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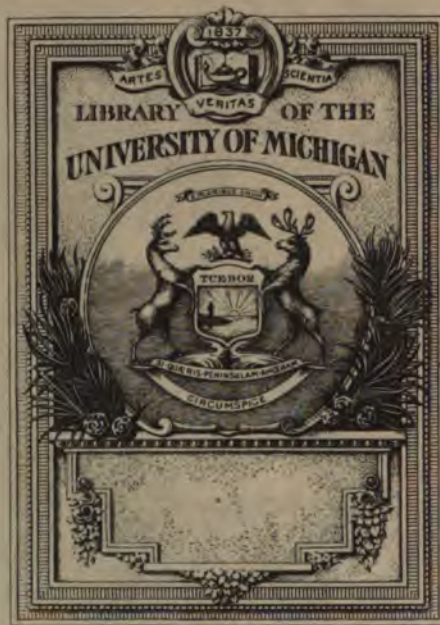
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Number 10

COMMONS DEBATES FOR 1629
CRITICALLY EDITED

AND

AN INTRODUCTION DEALING WITH PARLIAMENTARY SOURCES
FOR THE EARLY STUARTS

EDITED BY

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To the Memory of
WILLIAM HAKEWILL,
WILLIAM PETYT,
SIR SYMONDS D'EYVES, AND
SIR ROBERT COTTON.

COLLECTORS AND ANTIQUARIES AND HISTORIANS
OF SEVENTEENTH CENTURY PARLIAMENTS,
WHOSE RESEARCHES
ALTHOUGH A LITTLE OBSCURED
IN THIS LATTER AGE
DO LIVE AFTER THEM

General

PREFACE

Scholars of seventeenth century English history know how much need there is for a new parliamentary history. The Dean of those scholars, Professor C. H. Firth, has in writing and conversation repeatedly urged this need. So much new material has been brought to light since the publication of the old *Parliamentary History* that the student is forced to go himself to the depositories of manuscripts for what he needs; he can hardly suppress a sigh for the good old times when the writer of history was satisfied to turn to this many volumed publication confident that it contained all there was to be known. It is not now as it hath been of yore. Wherever one turns in parliamentary history, one has to consult unpublished material and much of it. There is not a parliament between James I and the Long Parliament, save that perhaps of 1614, where the material is all in print. Nothing is more necessary than to edit the parliamentary diaries that have come to light.

For one short session we have tried to meet that need. We have tried to collect into one place all the yet unprinted material bearing directly on the proceedings of the House of Commons. Moreover we have sought to show where all the material now in print is to be found and its exact relation to what is here presented. Further we have sought to make it possible for the reader to get the full narrative at one reading, by adding to that account which seemed fullest complete cross-references to the other narratives. It will be recalled by students that the old *Parliamentary History* threw all the different narratives together. Obviously that could not now be done. Each narrative had to be presented by itself. But by taking the most nearly complete narrative as a basis and giving in full the references for what is additional in the others, we hope to have gained for the reader the advantage of having conveniently at hand the whole story.

In the Introduction we have sought to treat fully the character of the sources for 1629—the *Commons Journals*, the *True Relation*, and the private diaries and letters. The *Commons Journals* proved a puzzle, a very mysterious puzzle. Here was no official record, very far from it. What was it, then? It proved to be the first-hand jottings of the clerk, preliminary to making up the finished Journal. Was there ever a finished Journal? What became of it? Is any of it still in existence, and if so where? There was the problem also of the *True Relation*. Is it perhaps connected in some way with the *Commons Journals*? So we thought for a while, but it was a poor guess. What is it then? It is a combination of news-letters with what we have ventured to call "separates." The private diaries and letters presented no problems. These are indeed the only sources about which there is

little to say. They deserve rescue from archival obscurity. They must be advanced to the first place among these sources.

If the discussion growing out of the *True Relation* prove somewhat technical and lengthy, the excuse must be that it serves to explain a kind of parliamentary material that so far has been taken for granted and has been more used than scrutinized. We found that we could not satisfy ourselves until we had answered the baffling questions as to the *True Relation*. We broke it up into its component parts. We found that those parts, separates and news-letters, were characteristic of parliaments before and after 1629, and we were led on to the wider question of their origin as general forms of parliamentary accounts. We came upon the men who made them, scriveners around Westminster, precisely the irresponsible pickers-up of ill-considered trifles who were later to gather the news for the first newspapers. We were forced to believe that the first newspapers derive almost as much from these news-letters as from the corantoës to which they are commonly traced.

It might be expected that the Introduction should contain a discussion of the session of 1629, or at least a careful chronological narrative of it based upon the sources published. We believe that those sources tell their own story, and, that, where they do not, the footnotes will enable the reader to piece it together.

The narrative history of the Stuart period has been worked out by a great historian with extraordinary accuracy. To tell the story of 1629 more fully and more accurately in the light of such new information as may have been gained could only be worth while if the story were told in relation to what had gone before, if the constitutional background of the struggle in 1629 were elaborately explained. This can be done only when similarly complete materials for earlier parliaments are available. We have already gathered all the known materials for 1628, transliterated them, and partially annotated them. We are doing the same thing for the Parliament of 1626. For the first few months of the later but most significant Long Parliament an edition of D'Ewes' great diary, annotated from all the other diaries, is completed and will be published within a year. But, when these are done, much remains to be done. There are two accounts of the Commons debates for 1620-21 that have never been used, one exceedingly full; there is another account for 1604-07 that has never been made use of by historians. Not one third of the note-books for the Long Parliament have ever been printed, few of them have been used save by the great Gardiner, and he only tells his plain unvarnished tale of what came next.

When all the diaries, note-books and "parliamentary compilations" have been critically edited—although of course new ones will continue to turn up—the way will have been prepared for a new study of parliament

and of the constitutional significance of the period. Were all materials, however, accessible that study could not be carried on by itself. The Stuart period must be re-examined in the light of earlier English history, particularly in the light of the fourteenth and fifteenth centuries. The many precedents of which Coke, Cotton, and the parliamentary lawyers and antiquarians made elaborate use must be looked up and evaluated. How far were those men right in their struggle with the King? Were they reclaiming ground that had been lost or pushing forward to new ground? Was the Lancastrian period that glorious epoch of parliamentary rule that we have supposed? Had the Constitution been won by 1485? We suspect that such a study will prove that Coke, Eliot and Digges, Pym, St. John, Whitelocke and the rest were really driving parliament forward to new positions, that they were overvaluing much of Lancastrian precedent, honestly enough no doubt.¹ Such subjects as tonnage and poundage, as impositions, as habeas corpus, as the privileges of parliament, need to be studied comprehensively in all the parliamentary materials of the seventeenth century and in the earlier periods as well. The whole matter of the growth of parliamentary method and procedure is almost untouched as yet and is a fascinating and profitable subject. The slow accretions of parliamentary common law about procedure, the manuals and digests, most of them still unprinted and almost unused, that mark the stages of progress, will bear the closest study.

It would be futile therefore at this point to discuss the constitutional significance of 1629.

What we hope is that the sources here presented, with the critical apparatus attached, will make it easier for all students of the history of the constitutional problems of the time to approach these general topics that must be dealt with. We hope that in the next few years many such parliamentary diaries will be edited in this country and in England. When this is done the preparations will have been made for a new general advance. It has often been said that the "gleaning after Gardiner" is very poor. The statement has unfortunately kept students away from prospecting ground that still has much pay ore. There is much to be done, many questions to be answered. But the first thing to do is to find and edit the sources. Many scholars must help in that work.

We wish to thank many librarians and owners of manuscripts who have helped us. Our debt is of course greatest to the authorities of the British Museum and those of the Record Office. American students can never be too grateful for the kindness with which they are treated in those great repositories. Mr. Worthington Ford of the Massachusetts Historical

¹ These ideas have been thrown out by the first editor in his introduction to the source problem on Free Speech in White and Notestein, *Source Problems in English History* (New York, 1915), and in *The Stuart Period, Unsolved Problems*, *Ann. Rept. Am. Hist. Assoc.* 1916. 1:391-99.

Society sent us the manuscript of the Commons Debates for 1628 in the collections of that society. Mr. Gerould, librarian of the University of Minnesota, has aided us in a score of ways. We are under great obligations to Mr. Pickering, librarian of the Inner Temple, who not only made available the facilities of the parliamentary collections there, but went out of his way to examine for us the manuscripts of the Duke of Bedford. The librarian of Trinity College, Dublin, took much pains about the Grosvenor Manuscripts and wrote us the information upon which we determined to photograph that manuscript. We have also to thank him for permission to print Grosvenor. Nor can we forget the courtesy of the librarian of Lambeth Palace. For permission to use their manuscripts we desire to thank the Duke of Northumberland, the Duke of Manchester, the Duke of Bedford, the Marquis of Bute, Lord Downshire, Lord Wharnccliffe, Lord de L'Isle and Dudley, and J. H. Gurney, J. P., of Keswick Hall, Norfolk.

We are indebted to Miss Etheleen Kemp, sometime scholar in History at the University of Minnesota, who started upon this work with us and who, upon a research appropriation from the University of Minnesota, did in painstaking fashion most of the work of classification of the manuscripts of the *True Relation*. The classification here adopted is in large part hers, although she cannot be held in any way accountable for the theories developed from that classification and from further research since.

It is often possible for joint editors to define the limits of the work of each. In this case it is impossible to do so. Miss Relf has perhaps done the larger part of the *True Relation*, Mr. Notestein possibly has taken the greater share of the writing. But the plan, the text, the conclusions, even the footnotes have been done in coöperation and each editor shares the responsibility for every part.

W. N.

F. H. R.

MINNEAPOLIS, MINN.

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INTRODUCTION

A DISCUSSION OF THE SOURCES FOR 1629 AND OF SOME GENERAL PROBLEMS OF PARLIAMENTARY MATERIALS FOR THE EARLY STUART PERIOD.

CHAPTER I COMMONS JOURNALS¹

The *Commons Journals* for 1603-29, when they were examined in the printed version, raised many problems. One of the first things noted was their incompleteness. The whole record is missing sometimes for a day, sometimes for a week, sometimes even for a longer period. It appears further that important documents are left out of the records, resolutions, messages, reports of committees, letters from the King, all documents that one would naturally expect to find in the official record. More than that they are the very documents which the printed journals show the Commons had ordered the clerk to "enter as of record." Every session of parliament from 1604 to 1629 furnishes examples of such omissions. What proves still more interesting is that in the Commons debates for 1628 a member stated that "a copy of a given resolution was entered in the Clerks Book and signed by the Sub-committee." But this document which a member had seen in the Clerk's Book of seven years earlier is not to be found in the printed Journals. Sometimes an order is to be found in the Journals, but it is not in the wording, the official finished wording, which we know from other sources, was finally adopted by the Commons. Furthermore we find that for one session of the Commons, that of 1624, there are two texts of the Journals, apparently of equal authority and yet differing all through in wording. Again for the sessions of 1604-07 there are two Journals, but this time of quite a different character.

For a solution of these problems we turned to the original manuscripts of the Journals carefully preserved in the library of the House of Commons. Turning first to that for 1629 we found that it was not written in the clerical hand of the time, a hand at once distinguishable and always to be met with in the final draft of an official record. Not only was it in the hurried scrawl of a man taking notes as fast as he could, but it showed clearly that it was a record taken by two different men. The greater part is by one, but the other frequently began or ended the day for him, and sometimes even made the whole day's record. These hurriedly scrawled notes give one an entirely different impression of the record from the neatly printed

¹ We have put no foot notes to this discussion of the *Commons Journals* because their number would be legion, and the subject is one that can only be sketched here. A long and, we hope, comprehensive treatment of the *Commons Journals* for the early Stuarts, giving the evidence for the conclusions indicated here, will shortly be forthcoming in another publication.

page. Fragmentary notes they are, sometimes incomplete as to sentences, with phrases unfinished and sentences breaking off in the middle; words and phrases are run through with a pen and new words put in at the end of the erasure. What is more significant, the text has often been amended within the line so as to make the statement more definite and exact.

This practice may well be illustrated. On February 10, the House enumerated under six heads the plan of work. As first written the third head read: "A Select Committee to be named to examine the matter." In the space following this was changed to read: "A Select Committee to be named to examine the matter and the information in the Star Chamber." An even better illustration of the clerk's efforts to make corrections is to be found in the several forms of the order for debate on the legality of an election. This passage in the manuscript Journal we have reproduced as a frontispiece; it is taken from the account for February 5, being the lower part of folio 22. It is, however, so hard to decipher from the reduced reproduction, that it seems advisable to give here the steps by which the clerk arrived at his final statement. He began: "The election of Mr. Long being sheriffe of Wiltes"; then ran his pen through the words and wrote: "Upon question the election of Mr. Long," ran his pen through "the election of Mr. Long" and continued: "The matter concerning the election of Mr. Long beinge Sheriffe of Wiltes and his being sent for by a pursevant to answer a pl[ain]t in the Star Chamber for his sitting here last Session and being no further proceeding al[gai]nst him there to be debated here." He crossed all this out and began again: "The question whether Mr. Long sheriffe of Wiltes elected a burgess in another county to be debated here." This he proceeded to alter and add to until it read: "The question whether the election of a sheriffe of a county being a burgess in another county be good and whether he may during his shrivalty come out of his county without his Majesties special leave and serve here to be debated here in the House." This too was rejected. Then the clerk wrote what appears in the printed Journal: "Upon question the Legality of Mr. Longs Election and serving here the last session being then Sheriffe of Wiltes and elected a Citizen for [blank] to be debated here in the House upon Monday next."

Not all the changes, of course, were caused by the efforts of the clerk to be progressively more exact. Other corrections are to be found which must have been made by him in consequence of actual changes made in the program of the House. On January 28 there is an order for a committee which read at first: "To meete tomorrow in the committee chamber." This was altered to read: "To go presently about it in the Treasury Chamber in the Exchequer. None there to trouble them." A more important change occurs in the record for February 23. There the order for adjournment read at first: "The House thereupon adjourneth itself till Wednesday

next." This was changed to read: "The House to be adjourned till Wednesday next." Here was a significant change. The privilege of adjourning themselves was one for which the Commons were striving, as the debates on March 2 show. With deepest intention the clerk had been prompted to change the form of the statement.

The manuscript Journals for the whole period, that is from the first parliament in the reign of James, are in general of the same character as that for 1629 just described. They have the same appearance of jottings taken during the session rather than of finished notes. Such changes put into the text at a later time might show that the Commons had been correcting their official minutes; put in as the clerk was writing, they point to the conclusion that he was making notes while the Commons were debating. If they do not suffice to establish such a theory they at least point in that direction.

There is further evidence which confirms the theory. It appears that the Commons had not one journal as has been generally supposed, but two. The members refer to the "Book of Notes" and the "Clerk's Book." Between the two they distinguish clearly. It was in the Clerk's Book that in 1628 the resolution was entered that we failed to find in the printed Journal. What is more important for our purpose, we find the Commons referring to the Book of Notes for certain wordings which are to be found in what we today call the *Commons Journals*.

This distinction between the "Book of Notes" and the "Clerk's Book" is upheld by Simonds D'Ewes in 1631 when he was getting together the records of all the parliaments of Queen Elizabeth's reign. He speaks of the "first original draught of the Journals of the House of Commons taken by Fulk Onslow, Esq. Clerk of the same" and of the "fair transcribed copy of the said Journal by the said Mr. Onslow's direction then abstractedly and summarily taken." D'Ewes, who knew as much about parliamentary records as anybody in his century, recognized, then, a clear distinction between the "Book of Notes," or the jottings made at the time, and the "Clerk's Book," or the finished, perfected Journal.

The same distinction was made by Harding, Clerk of the Commons in 1742. When the Commons called upon him for a report of the manuscripts in his possession, he described the books for this period, 1603-29, then in his possession, as "being for the most part minutes taken by the clerk and not afterwards transcribed." Later in the same century, Hatsell, Clerk of the Commons, implies the same fact. "It is the Clerk's office," he wrote, "to see that the Journal of that session is properly made and fairly transcribed from the Minute Books, the printed votes and original papers that have been laid before the House." It will be noticed that Hatsell thinks of the Journal as a compilation from the Minute Books and *other* documents.

We cannot halt here to give further evidence to support the opinion that there were two different books, the "Book of Notes," or "Minute Book," which we may dub the Jottings, and the "Clerk's Book," which we may call the official record, and which is just that. Many kinds of evidence could be adduced. The arguments for this conclusion will be set forth at much greater length in a separate paper. But it must be added at this point that for two sessions of parliament between 1604 and 1629 we have parts of the completed journal. In the printed Journals for 1604-07 there are two versions of the Journals for those years. One is obviously jottings and in the manuscript has all the characteristics already noted of jottings, the other is a completed journal with resolutions in final form and in the manuscript is in the round official hand of a transcribed and finished journal. For one session, then, we have both editions of the Journal, the Clerk's Book, and the Book of Notes. And the same thing is partly true for the session of 1610. In the British Museum are to be found extracts from the finished Book for 1610, extracts that differ in form and wording from the text printed in the *Commons Journals* and that are very clearly taken from another record, from a much more finished record.

Whether the finished record was ever made for all the sessions must remain a matter of doubt. We can say with considerable assurance that it was made for the Parliament of 1620-21. And we must suspect that it was made for other sessions. If we ask what became of the finished record, why has it been lost, we can offer only surmises. We know that it must have been lost before the Restoration; we know that in his studies all William Prynne had to use was what we have today; we are led to suspect that several of the finished journals were lost, some through the carelessness of clerks, who loaned them out to their friends, others through the usage of clerks who kept the Journals as their private property which went to their heirs. The character of the Journals as a record of the Commons for their own use was slow in establishing itself. We may suspect that the first two Stuart kings were none too anxious to have the records of the Commons saved, and got hold of and possibly made way with the official records. And, further, if the records had not been destroyed in this way, it is probable that the troubles of the Civil Wars would account for their loss.

In any case what concerns us is that the record which we have for 1629 is not a finished or official record of the proceedings of the House of Commons, is not the record which the Committee on Privileges certified and legitimated, but merely the jottings, careless, hurried jottings. Those jottings really deserve no more credit than the records of other reporters of what occurred in the Commons. Nicholas, who was no doubt making his report for the King, Grosvenor who took down the words almost stenographically, are quite as much to be trusted as the Clerk of the Commons.

CHAPTER II

THE TRUE RELATION

Any one familiar with the source material for parliamentary debates in 1629 may well ask why, in a collection of manuscripts heretofore inaccessible, we have included the *True Relation*. It is a source that has been used by every historian, contemporary or modern, who has written upon this session of parliament. It was the one account easily procurable. As early as 1641 it was in print. Other editions came out in 1654 and 1707. In 1751 it was reprinted in the old *Parliamentary History*. Besides these complete editions, Rushworth embodied much of it in his *Collections* published in 1680. Then why print it again? The answer is that there proved to be so many variations in the printed editions that we felt it necessary to establish a standard text. This involved a comparison of the printed copies with manuscript versions, some forty-eight of which were turned up.¹ We found that these manuscript copies differed not only from any one of the printed editions but also from one another. It became evident that this account of the debates of 1629 had been copied time and time again and had suffered many changes in the process; that these changes had become a part of the text before the first printed edition appeared. Yet the first three printed editions were made from single manuscripts; there was no attempt at collation. In the old *Parliamentary History* there was such an attempt; the text in that work was based upon the edition of 1707 supplemented by materials in two manuscripts very similar to the text of the 1641 edition. But since 1751, much more valuable copies in manuscript have been found, for example, that one on which Gardiner placed his main reliance for the history of 1629. Instead of abandoning the older editions for the new discovery, as Gardiner did, we have sought to do much more fully what the editor of the old *Parliamentary History* did. By a careful collation of the many versions, both in print and in manuscript, we would present a version not only free from copyists' errors but much fuller than that found in any single copy.

Such a version of the *True Relation* should do more even than an independent account, of the type to be found in the private diary, to correct the mistakes of historians who depended so largely upon a single copy of the *True Relation* for their narratives of this session of parliament. For that reason alone we feel that the collation was worth while. But that was not the only object in view. The work was carried on largely in the

¹ See Appendix for a full list of copies classified to show where they are to be found.

A search through private collections would undoubtedly bring to light many more copies. Enough have been found to indicate that numerous copies were made at the time which came into the possession of private individuals.

effort to determine the character of this account and if possible its authorship. No authorship is assigned and no explanation is vouchsafed either in the printed accounts or in the several manuscript versions, as to where the material came from. A casual examination indicates that it is hardly the personal diary of a member of the Commons but rather a more formal narrative of proceedings and debates, comparable even to the *Commons Journals*. Yet the differences are so great that it cannot be put down as an official source. Then, how was this material gathered? On the answer to this question depends much of the value of this undoubtedly contemporary account.

In the attempt to solve this problem we are not pioneers. John Bruce, whose name in seventeenth-century English history must never be forgotten, came to certain conclusions based upon a comparison of sixteen copies of the *True Relation*.² His conclusion was that all the copies were derived from a common original which "was probably compiled from time to time, perhaps even as the title may indicate, from day to day, during the sitting of the parliament, by some person who had access to peculiar sources of information, although without being directly authorized as a reporter."³

We began the solution of this problem, as Bruce had begun, by dividing the manuscripts into groups.⁴ But our basis for classification had to be very different. To use the form of title as a basis, as he had done, we soon found, would never do at all.⁵ To follow, as he had done, certain verbal differences, most of them copyists' errors, was equally futile. And the reason was this: there are many more outstanding differences, either in the presence or absence of whole speeches or reports of committees, or in the debate for particular days. It was only by fixing upon these that a rational classification could be arrived at. This classification by the presence or absence of certain documents became necessary as soon as it became clear that the *True Relation* did not come (as Bruce had supposed) from one original, but that it was a compilation made from materials derived from different sources and put together by different persons. It is due to compilers rather than to copyists that the groups of manuscripts differ as widely as they do. By classifying on the basis of the insertion or omission of documents we found that the manuscripts fell into

² Nine in the British Museum (Harg. 299; Harl. 2234, 2305, 4295, 4619, 4702, 6056, 6255, and 6800), two in the Public Record Office (vol. 132, no. 45 and no. 46), two printed copies (those printed 1641 and 1654), and three private manuscripts, one owned by Lord Verulam (now in the British Museum Add. 32473), one in Bruce's possession, and one in the Library of the Society of Antiquaries of London.

³ *Archaeologia* 38:237-45.

⁴ Bruce's classification.

1. 2234, 4619, 4702, 6056, D. O., 6255, 45, 46, E.P.

2. 4295 and his own MS.

3. 299, 2305, 6800, Verulam.

⁵ Bruce followed this method only to the extent of noting which manuscripts contained the "Heads of Articles to be insisted upon concerning Religion," given at the end of February 23. But on the other hand he put together in his first group copies which have totally different material for February 4-7.

four groups. These we have designated as X, Ψ , Γ , and Φ .⁶ An examination of the order of documents given in the appendix will show how marked the differences between the groups are. The Φ group is set off completely from the others by its account of the days February 3 to 7, as also by its omission of Rouse's speech on January 26 and Pym's on the following day. This is the most distinct group, the one that gives the key to the solution of the problem.

It was the character of this group that led us first to reject Bruce's conclusion that all the copies came from a common original, and to take up the hypothesis, since adopted, that the *True Relation* is a compilation made up from materials derived from different sources and put together by different persons. This theory is not alone one which explains the differences, but it is borne out by much evidence. In presenting the evidence upon which the theory is based, it becomes necessary first of all to distinguish between the two kinds of material which make up the *True Relation*. These are both illustrated by the main differences marking off the Φ group, which have already been pointed out. One kind of material is to be found in the account of the days February 3-7, an account which consists of brief narratives of the speeches, motions, and orders, and which we have denominated *news-letters*. The other kind of material consists of speeches reported at length, as those of Rouse and Pym. This type of material we have called *separates* because both as manuscripts and printed copies they are to be found outside the *True Relation* as isolated units. They are indeed to be found both singly and in collections of several grouped together in one volume. The theory that the *True Relation* is a compilation is based upon evidence that there was more than one series of news-letters used and that the separates were never an integral part of any daily letter but were added by the compiler.

The clearest evidence of two sets of news-letters is to be found in the two accounts for February 3-7, but that is not the only evidence. For February 14-23 we again find two sets of news-letters, quite distinct, though less easily marked off. Here the distinction did not become apparent until we had happened upon a manuscript bound in Petyt 538:18. In this volume is a manuscript entitled "The Continuation from the 14th till the 23rd Februarie 1628." A comparison of this manuscript with full editions of the *True Relation* shows that it is far from complete, that many of its days are incorrectly placed, and that in spite of its title it gives nothing of what took place on February 20 and 21. But what is important for our purposes is that nothing in its whole account is to be found in any

⁶ See Appendix for a full list of the copies classified according to this grouping.

copy of the Φ group; in other words group Φ and the Continuation furnish between them two distinct sets of news-letters for February 14-23.⁷

The evidence already presented suggests that these two distinct sets of news-letters came out in parts. Further evidence makes it seem probable that one, if not both of them, was a daily. This evidence is found in the use made of the material of the Continuation by the three groups X, Ψ , and Γ . Only the X group used it all. The X group used that for the 14th, 16th, and 17th; the Γ group only that under the last date. This account used by the Γ group for the 23rd is also found by itself in a book of separates, which goes far to confirm the idea that this account came out daily. The two sets of news-letters not only came out in parts, probably daily, but it is also likely that each was incomplete, necessitating the use of both by the ambitious compiler who wished to make his account as full as possible. Different compilers combined the news-letters differently; hence the variations in the several versions of the *True Relation*.

The second explanation of the variations is found in the insertion of separate speeches by the compilers. That they were inserted and were never an integral part of the proceedings there is ample evidence. In a manuscript edition of the *True Relation* to be found in the Petyt Collection (538:9) the evidence of insertion stands out in the clearest form. The separates are given by themselves and then in the same handwriting follows: "A True Relation" which contains only news-letters.

⁷ The distinction in news-letters seems to hinge upon group Φ . For both February 3-7 and 14-23 that group embodies series different from those to be found elsewhere. Were the series for the two different dates in this group a common series? That is impossible to prove and yet it seems probable. They have certain characteristics in common; both are fairly complete as to motions, resolution, etc., both record nearly all the speeches but record them in briefest form. When we examine the other series of news-letters for February 3-7, that found in groups X, Ψ , and Γ , with the series found in the Continuation for February 14-23, we find such similarity as to lead to the conclusion that they also were part of a single series. There are few speeches but they are given at greater length than in the Φ series. There is also an interesting similarity in title. Many of the manuscripts of the Ψ group have retained just before Kirton's speech on February 4 this heading: "The continuance of the journal." It would be hazardous to premise much on the use of "continuance" for February 3-7 and "continuation" for February 14-23, but when the two series are otherwise similar and are differentiated from the other series, the words do seem significant.

For the rest of the session, that is for the periods January 20 through February 2, and February 9-13, there is no reason for thinking that more than one news-letter was used. The differences there are from continuance rather than variation. Were these news-letters like those of the Φ group or like the Continuation? There is no positive proof, but the weight of evidence inclines towards the conclusion that it was the Continuation. We are again helped by a manuscript from the Petyt collection (538:9). This copy of the *True Relation* is complete through February 7 but then jumps directly to February 23. Its proceedings for February 3-7 as well as for the 23 puts it clearly in the Continuation groups, that is the X, Ψ , and Γ . For the period preceding February 3 it has the same faulty dating as the Continuation; the material it gives is of the same character. There is proof too that it came out in fragments. These fragments are found in the Harleian collection number 2217. On folio 84 of that volume under the heading "Sir John Eliot, his speech at the Committee 30 of January 1628" are given two speeches made by Eliot on February 2. This data as well as the speeches themselves agrees with the Petyt manuscript. On folios 85-87 are given the speeches by Heymour and Kirton for January 26 and Earle and Coryton for the following day, all just as given in the same Petyt manuscript. Further proof that this account came out in fragments is to be found in the old worn copy of the *True Relation*, Lansdowne 491. That is numbered by each four pages as though it had come out in quartos. The handwriting changes between one and two, between two and three. Each quarto shows signs of having been folded, suggesting that it had been sent out separately and later bound.

This would seem to indicate that the title was at first applied only to the news-letters, and that only at a later date was it applied to the compilation of letters and separates. The Northumberland manuscript probably marks the transition, for its title reads: "A True Relation of everie daies passage in Parliament together with the Long Speeches." If further proof is needed, it is to be found in a British Museum manuscript catalogued Lansdowne 491. Here two of the separates are in an entirely different handwriting. If one may judge from the grime on their backs they had been carried around for some time before they were bound in with the rest of the account.

The methods used in inserting the separates mark out clearly the different compilers. A characteristic of the Φ group is the few separates it contains. That the compiler knew of the speeches there is no doubt, for on two occasions instead of the separate we find "See his speech at large." Other compilers have added the separate without omitting the shorter account of the same speech to be found in the news-letter, thereby showing their ignorance of what went on in the House of Commons. These compilers had even more difficulty when there was nothing in the news-letters to indicate where the separate should be inserted; then the separates, which were often incorrectly dated, were put into the compilation in the most haphazard way. The presence or absence of the separates, and even more the order in which they appear, mark off the versions of the *True Relation* one from another.

By the evidence so far presented we have sought to disprove one part of Bruce's conclusion, that all the copies of the *True Relation* are derived from a common original; to prove rather that it is made up of at least two sets of news-letters which were issued serially, probably from day to day, and of speeches originally issued as separates; and that these were combined by different compilers who were ignorant of the actual occurrences.

One way of eradicating the faults of the compilers is to reduce the compilation to its original parts. This we have done with the accounts for March second, where seven different combinations have been reduced to the three original accounts. It would not be possible to do this with the whole of the *True Relation*, nor was it necessary in order to correct the mistakes of the compilers. Those, as well as the mistakes of the copyists, we hope, have been corrected by the comparison of the many manuscripts with each other and with independent accounts. The important thing is to realise that the *True Relation* is made up of news-letters and separates. To appraise the *True Relation*, we must determine the value of its parts. A *True Relation* was something unique in the third parliament of Charles I. Separates and news-letters were not; they are found in earlier and later parliaments. Their value as source material is dealt with in other chapters of this Introduction.

CHAPTER III SEPARATES

We have dealt at length with the perplexities of the *True Relation*. That interesting but mysterious narrative of the Commons session of 1629 turns out to be not the account of a private member, nor indeed a single account at all, but a hodge-podge of parliamentary materials. Two kinds of manuscripts were lumped together, manuscript speeches and documents, which we have termed "separates," and manuscript narratives of what went on, narratives prepared for distribution at regular intervals, which we may call parliamentary news-letters, and which were just like the other news-letters of the time save that they were concerned only with events at Westminster. It is easy enough to resolve the *True Relation* into its parts, to say that it is a combination of two kinds of source materials. But what were these parts? Where did they come from? We must raise many questions that concern not only the Parliament of 1629 but all the parliaments from the early Elizabethan to the end of the Long Parliament. Especially is this true of the separates which had an earlier origin than the news-letter. What were separates? Where did they come from? How were they prepared? These are questions that must be answered, not only for an understanding of the sources here printed, but for an understanding of the whole subject of parliamentary material for this period.

In beginning a discussion of the subject of separates it may be well to define the term once more. By a separate we mean a parliamentary document or speech to be found in a single manuscript. It might be a declaration, a message, a set of grievances, a protestation, a legal argument, or most commonly the speech of a member. But the characteristic that delimits it is that it was complete in itself, not a fragment of a larger whole. Another equally important characteristic of it is that it is always to be found in several, often many, copies. Every searcher in the Tudor and Stuart manuscripts in the British Museum is familiar with the many copies of parliamentary speeches and declarations to be found in those archives.

The separates are hopelessly anonymous. There is never any tell-tale sentence such as "I went out after this speech," or "I could not get his words here" or "members cried out at this," sentences common enough in the reports made by private members. Nor is there ever any evidence of that hurried informal writing which is to be found in the *Commons Journals* and in private diaries. The diaries are nearly always fragmentary, they abound in uncompleted sentences, they have phrases clipped off, they betray the handiwork of some one who was writing things down as fast as he could, but could not get all. The separates are obviously the product of leisure. They have, most of them, full, rounded sentences, they are not at all conversational in style, but rather oratorical and flowing. They are full of delightful allusions to scripture and to the classic writers. They

reveal in every way the fact that they have been "written up." They give the names of the speakers in full and present the speeches in formal, full-dress fashion. They are finished productions intended for a wide circulation.

It must not be supposed that separates exist only in isolation. We meet a separate of Glanville's speech, May 22, 1628, as a manuscript by itself, we find it with two or three other speeches on the same subject and at the same time, we find it with other speeches uttered on the same day but on other subjects, and we find it embodied in the middle of a bulky folio that gathers together speeches and news-letters of an entire session. It is these bulky folios which prove how highly the separates were valued by the historical collectors of that time, for they give proof of being nearly contemporary. It is largely as embodied in these folios that they have been known to historical students ever since, from Rushworth, Nalson and their contemporaries¹ to our own time. It is a strange thing that these speeches in parliament have been taken at their face value with no criticism, that they have, indeed, been made a chief source for the parliamentary history of the early seventeenth century. In only an occasional instance did even the careful Gardiner impugn the value of a particular separate,² never did he stop to consider them as a species of source material. It is then not only the number of the separates made at the time but even more the use that has been made of them since, that has made us feel the necessity of finding out what they really were.

As early as the middle of Elizabeth's reign separates were in existence. Simonds D'Ewes in his great collection of parliamentary materials for Elizabeth's reign tells of the "manuscripts, or written fragments . . . of Parliamentary Speeches, Petitions, and such like Passages, especially touching the House of Commons."³ As one hunts about in Elizabethan parliamentary stuff in the manuscripts room of the British Museum, one notices that for the last part of that reign there is an increasing number of manuscripts of single speeches in the House of Commons, most of them to be found in multiple copies.⁴ For the Parliament of 1610 there are several separates.⁵

¹ John Lilburne in *The Peoples Prerogative* (1647) cites the parliament collections of separates known as *Speeches and Passages of this Great and Happy Parliament* as authority. See pt. iii, 28, 40, 73.

² 2:77 n., 6:77 n., 9:105 n.

³ *The Journals of all the Parliaments during the Reign of Queen Elizabeth*, Preface A, verso. See e.g. Tanfield's speech, 481-82, and Wentworth's speech and questions, of which he says that he transcribed both from an "authentick and true copy." 410-11.

⁴ A speech in Parliament Anno Eliz. 39 upon the motion of subsidy. Ashm. (Bodleian) 800, no. 29. 1593. Excerpts from speeches in Parliament of divers persons whose names are written in the margin Lansd. 73, no. 39.

Mr. Peter Wentworth's speech in Parliament anno 1576 for which he was sent to the Tower. Stowe 302.

A speech on occasion of her Majesty's releasing out of the Tower a member of the House of Commons, who in the beginning of the Sessions 1575 had been sent thither for uttering disrespectful things of her and her government. Harl. 6265, no. 17.

A speech in the House of Commons 28 Nov. 1584 to exhort to a vigorous stand for their defence against their enemies. Harl. 6265, f. 382.

⁵ A speech of Wm. Hakewill in the House of Commons against Impositions. Add. MSS 25, 271.

Sir James Whitelocke had gathered several separates for 1610. See his *Liber Famelicus* (Camden Soc.), 24.

From that time on such separates exist in untold numbers. Printed collections such as Rushworth, Nalson, Frankland, and the *Parliamentary History*, etc. have embodied in their capacious pages a large number of the best known separates, most of them taken from manuscripts got hold of by the editors of those compilations. Unprinted collections are yet to be found by the hundreds, and not only in the British Museum and the Bodleian Library but in innumerable private collections of manuscripts.⁶ The same speech can often be found in scores of copies, usually with verbal variations, but variations that reveal at once a common original.

That the separates existed in such large numbers of copies in so many different places is in itself an important consideration. That so many copies in so many different places go back nearly or quite to the time when the speeches were made shows that the manuscripts must have been widely distributed soon after they were delivered. Such a distribution of manuscripts in copy was indeed no new thing. Court reports had long been so circulated.⁷ Various kinds of religious and political writings had found their way in manuscript from hand to hand long before they were ever printed. We know that there were four copies of the manuscript of Richard Hakluyt's *Discourse of Western Planting*.⁸ It is said that Shakespeare's sonnets existed in manuscript copies before they were printed. It is not to be wondered at that in a time of such great political excitement there was a demand for the circulation of the speeches of members of the Commons in the same way.

Not only was there a demand from the outside for such speeches but there was also a desire on the part of members to have their speeches circulated and so to bid for public approval. Such a desire grew with the rise of a party constantly and consistently opposed to the Court. Throughout the reign of Elizabeth the Commons were becoming more important in their own eyes and in the eyes of the country. As the Commons gained in influence, the Puritan group among them asserted themselves the more. We cannot stop to prove it, but we may assert without fear of contradiction that the practice of preparing formal speeches developed almost synchronously with the rise of an opposition group. Since speeches in the Commons meant more than ever before, members were more ready to take pains by writing them out in advance. The member was the more willing to draw up a formal speech,⁹ if he believed himself to be fighting a popular cause. He felt that his appeal ought not to be shut within Westminster Hall.

⁶ See the Appendix for a list of the separates for 1629 showing where the different copies are to be found.

⁷ Dugdale to Sir Symon Archer, Mar. 15, 1638, *Life, Diary, and Correspondence of Sir Wm. Dugdale* (1827), 184. Justice Crooke's speech sold for 10s a copy. See also Howell, *State Trials* (1818-26), for many instances.

⁸ *Collections of the Maine Hist. Soc.*, 2nd Series, Doc. Hist. II, xli.

⁹ "Againe heer Sir Ben. Rudyard was imploied, who but at such times and in such services, did speake, never but premeditated, which had more shew of memorie then affection." Eliot's *Negotium Posterorum* (1881), 1:75.

But the committing of a speech to paper was not enough to ensure its circulation; the desire on the part of members for greater publicity ran counter to the old practice of keeping proceedings in Parliament secret. Unless that practice were broken down they could not hope to gain the popular support they sought. It was a practice, however, that went far back into the roots of English history, probably to the custom of secrecy in the King's Council. As a practice parliamentary secrecy means for our purposes two things, secrecy upon the part of the clerks and secrecy upon the part of the members.

The clerk was required to swear that he "would keep secret all such matters as shall be treated in the said parliament and not disclose the same before they shall be published but to such as it ought to be disclosed unto."¹⁰ At the time this oath was in use there were, however, certain documents that naturally found a place in the Clerk's Book,¹¹ documents that he was accustomed to give to members, documents that were sometimes published by authority, such documents as the speeches and messages of the King¹² and the addresses of the Lord Keeper.¹³

But with the growing importance of the Commons, other materials were gaining a place in the Clerk's Book. The Commons were formulating petitions, remonstrances, lists of grievances, declarations, etc., and were attempting to give dignity and weight to them by asking for their insertion in the Clerk's Book. During the early Stuart period the Commons were aiming to change the precedents as to what should be published (that included permission to the members to copy).¹⁴ They were doing this in

¹⁰ Oath of Robert Bowyer, Jan. 30, 1609/10. Cottonian MSS Tib D.I. no. 1.

Vowell [John Hooker] in his *Order and Usage of the Keeping of a Parliament in England* (Exeter, 1575) says of the clerk: "The counsell of the House he may not disclose."

¹¹ "Moved that a copy of the speech of the Speaker delivered today and the Kings answer by my Lord Keeper shall be entred together." Harl. 5324, f.37.

¹² It may be asked how the King's speeches were taken down. In some cases of course the King wrote out his speech in advance and handed a copy to the clerk (*Hist. MSS Comm.* III, 29). This was generally the practice of James I, who was very careful about his phraseology, but not so often of Charles I. More often the King spoke without notes and a member or members of the Privy Council kept notes, turned them over to the King who revised them and "allowed" the speech (C.J. 1:892). Such versions made by Councillors are often to be found in the Record Office. There is an interesting case of this practice in 1607, when the King after making a speech "commanded Sir P. B. [Francis Bacon] and Sir H.M. [Henry Montagu] for that they had at the time of the speech taken notes, that therefore they should now sett it downe, which they did accordingly upon their own notes and collections of Mr. F.B. and leaving the same to his Majestie who perused and perfected the said discourse and gave orders for the printing of it" (Harl. 4945. f. 256). See also Grosvenor, *Notes of Commons Debates* 1628. (Trinity College, Dublin, E. 5-33-36 III., Minn. 125) where the Lord Keeper (III, f. 45) made the notes of the King's speech as he delivered it. In another case in 1610 a member proposed that "gentlemen who took notes might set down what his Majesty's speech was," another member objected; then the Recorder suggested by way of compromise "that notes might be compared and the speech understood" (C.J. 1:430). After the attack upon the Five Members in 1642, the King that evening requested from Rushworth, assistant clerk of the Commons, whom he had seen taking notes, the notes of his speech, and got them (Rushworth, 4:478). In one case Secretary Windebank offered a copy of the King's speech "as a copie that the King himself avowes" (*Portland MSS* 1:6).

¹³ D'Ewes. Harl. 162, f. 98. Minn. 133.

¹⁴ "Ordered that such members of the house as will may take copyes of the declaration to be presented to the King." Whitelocke, *Notes of Commons Debates*, June 15, 1626. Camb. Univ. Library, D.D. 12, 20-22., Minn. 121a. We are citing the numbers in J. T. Gerould's *Sources of English History, 1603-1689 in the University of Minnesota Library*. We have cited first the reference to the original MS. The Minnesota reference is nearly always to rotographs and is cited for those who may wish to use the MS in this country.

two ways: they were seeking so to manipulate the rules of secrecy as to limit the publication of the speeches of the King and the royal officials while they were getting their own documents into the Clerk's Book and before the public; and at the same time they were adding to those documents that should find a place in the Clerk's Book and be given out, the legal arguments of their members and even the speeches.

In 1621 the Venetian Ambassador in London wrote to the Doge and Senate: "I enclose a copy of the substance of the King's speech to this parliament . . . I had great trouble in getting it owing to the efforts to prevent its circulation, contrary to the general custom for such things are usually printed."¹⁵ That the efforts to prevent circulation came from the Commons themselves is seen from the following bit of debate from the session of 1628 when Coryton drew attention to the "speeches of the King and Buckingham newly printed." He said: "It concernes our proceedings in parliament and it seemes strange to mee to finde that any dares wright or print sutch businesses."¹⁶ Upon which Selden indignantly asked: "Shall the Counsell of Parliaments bee layed on stalls and shall any thus divulge them?"¹⁷ Yet in this same session of 1628 members advocated the breaking down of the rules of secrecy when the application was to documents favoring their own side. When the Fourteen Propositions for the Army and Navy were introduced into the Commons, Secretary Coke spake up and said: "I will not contradict any good intentions of this house. Let there bee coppyes taken, if you please, of these propositions, but make them not publike. Confine them only to Parliament men." To this Sir John Strangeways replied: "I am not of opinion that these propositions should bee confined to Parliament, wee have leaft beehinde us in the country as wise men as any wee have here. Shall wee not make use of their advice?"¹⁸ The truth was, of course, that the "Country Party" in parliament wished to put its case before the public and did not like to see the King's case so put. Hence their inconsistency regarding the rules of secrecy.¹⁹

¹⁵ *Cal. St. P. Venetian, 1619-21, 577.*

¹⁶ *Borlase. Stowe, 366, f. 69., Minn. 127.*

¹⁷ *Mass. MS, f. 84 verso., Minn. 124a.*

¹⁸ *Borlase. Stowe 366, ff. 19 verso-20.*

¹⁹ Of course it was not only a matter of custom and precedent as to what the clerk gave out. Many documents no doubt slipped out from the clerk's table with no intention on his part. On this matter we get some light from an incident that happened on April 24, 1641. The Clerk of the Commons reported that morning that he had "casuallie found the examination of Sir Henrie Paine [Vane] . . . taken in the Earle of Straffords business." The clerk was criticized for having ever lost the document and D'Ewes came to his rescue: "I conceived the Clarke was in little fault in this particular for usuallie when the House rises sometimes tenn or twelve members of the House and sometimes moore come about the table and desire to see severall particulars which they doe after come and call upon the clarke for copies or orders which they are to use and hee is to deliver. Whilest hee is busie in satisfying the later and more necessarie demands, those who looked on severall papers come and lay them downe promiscuouslie" (*Harl. 163, f. 97*). D'Ewes goes on to describe the confusion about the clerk's table. Under such circumstances it is little wonder if members got hold of many documents and copied them.

At the same time that the members of the Commons were trying to regulate the giving out of official documents so as to weaken the advantage that the Court had had, they were so manipulating matters as to have further presentations of their own case given out by the clerk under the official stamp. They were arranging to have the clerk give out legal arguments and later they were authorizing the clerk to procure certified copies of certain speeches and allow their distribution to members, they were even ordering that certain speeches be officially printed. There was of course a case for giving out legal arguments. The arguments were a species of their own quite distinct from speeches; they were by no means made up of periodic sentences but consisted almost wholly of closely reasoned briefs set down in short phrases. They were too technical to be remembered by members of the Commons and perhaps for that reason they were furnished to members much more readily than were ordinary speeches. Such arguments form a considerable part of any parliamentary collection for 1628, that year which marks the culmination of the legal battle between King and Commons. That they came originally from the clerk there can be no doubt. On April 14, 1628, this record is to be found in the Commons Journals. "Sir Edward Coke, Sir Dudley Digges, Mr. Littleton, Mr. Selden, which argued the case of the liberty of the persons of the subjects from imprisonment to bring in, by Thursday next, their several arguments, fair written; as also the copies of the records produced by them; and the clerk to insert the arguments into the Journal, and to have liberty to give out copies of them."²⁰ Moreover there are to be found in manuscript the arguments of Selden and of Digges marked "ex Jo. Wright,"²¹ who was at that time Clerk of the Commons.

It seems a good conjecture that the practice of giving out these arguments began almost as soon as the Commons began their struggle with the King's lawyers. Perhaps it was for giving out documents that told against the King that Wright was out of favor with the Court; we know that after the adjournment in 1621 he with others was arrested.²² He continued to be out of favor, for in 1629 Sir James Bagg wrote to a friend: "Wright the Clerke of Parliament of all men sithence my being of that House hath done worst service to his Majestie. Conferre with some of his servants about him, he is the most usefulest man of the House."²³

By 1641 the practice had become common. On February 6 of that year the Commons debated whether or not they should have St. John's able statement of Ship-Money, as given in conference before the two Houses,

²⁰ C.J. 1: 883. See also 887.

²¹ *Gurney MSS Misc.* xxiv, ff. 211, 229; *Bute MSS, Hist.* xxiv. *Proceedings in Parliament*, ff. 277-78.

²² *Diary of Walter Yonge* (Camden Soc.) 41.

²³ *State Papers Dom. Car.* I, xcvi, no. 36.

printed.²⁴ Simonds D'Ewes remarked: "I doubt not but that this Declaration was soe pretious as everie member of this House will conceive it worth the copying out. And this would add much more esteeme to it then to have it published."²⁵ On April 30 of the same year, Stroud moved "that Mr. Sollicitor might bee enjoined by the House to bring a true copie of his said argument into the House that all men who would might have a copie of the same."²⁶ Yelverton's suggestion seems to have been followed, and it was precisely this that was often done. Not always, however, were the Commons willing that the arguments should be given out. In Northcote's diary for 1640 there is an allusion to the distribution of arguments: "Sir John Hotham spake against Mr. Rushworth taking notes." In consequence a committee was appointed "to view the clerk's book every Saturday to allow what they think fit to be preserved and no copies of arguments. And to examine what copies have been given, and to whom."²⁷ This passage would seem not to prove so much that copies were not allowed to be given out as that they were given out with discrimination.

But it was not only legal arguments that the Commons wished to have given out officially but also the speeches of private members, that is those that met with special approval. There is, however, no evidence that speeches of private members were receiving the stamp of the Clerk of the Commons, until 1641. Even then it was only occasionally that a speech in the Commons met with such hearty approval that the clerk was ordered to ask the author of it to bring into the House a correct version for the members to make copies from.²⁸ On April 30 of that year the Commons ordered that "Mr. Pym might bring in true copies of his first and last speeches delivered in Westminster Hall, that such as would might likewise take copies of them."²⁹ At that time speeches were more often printed than copied; and among the printed speeches are found those with the clerk's imprimatur either at the beginning or end.³⁰

In getting precedents changed as to the publication of documents by the clerk, the Commons had not gained much by the end of the third parliament of Charles I. The publication of declarations, petitions, and grievances, even of legal arguments was not enough to give them any

²⁴ A poor version of St. John's speech had been printed and the Commons resolved to punish the printer. C.J., II, 80.

²⁵ Harl. 162, f. 203 A., Minn. 133.

²⁶ D'Ewes. Harl. 163, f. 120. Minn. 133.

²⁷ Northcote, *Note Book* (1877), liii.

²⁸ It is interesting that when the Commons authorized the clerk to have one of Pym's speeches printed, they put it in this way, that Master Pym be desired to put the speech he made into writing and deliver it into the House and that it may be printed. See *A speech delivered at a conference with the Lords by John Pym, Esq.* E. 200 (21).

²⁹ D'Ewes. Harl. 163, f. 120.

³⁰ In one case a bit of the clerk's notes were added at the end of the speech, the notes being the same as those in the *Commons Journals*. Cf. E 200 (21) with C.J. 2:396.

advantage over the Court, if indeed an equality. They were still handicapped because the great bulk of the partisan material was contained in the speeches, and, while the publication of the speeches of the King and of his Ministers had been only slightly curtailed, the giving out of other speeches, many of which were likely to be favorable to the Country Party,²¹ had not been allowed at all.

Yet though these speeches were not being given out by the clerk, the fact is that they were appearing in great numbers; they make up by far the greater part of any collection of separates for that time. How was this taking place? What was happening? The answer to that question is really the main business of this chapter, for the official separates were but a small fraction of the total number. We come at length then to our principal discussion. That discussion involves first of all a consideration of the rules of secrecy as applied to private members. They were not supposed to give information to the public; they had long been expected to preserve reticence as to what went on in the Houses; that meant that the member must not talk too freely about the Court or in the City, it meant that he must not give out copies of his own prepared speeches.²² The conception of a parliament acting under the glare of "pitiless publicity" is exceedingly modern. But things were changing. The medieval notion of secrecy could not well be lived up to in a time when public opinion was beginning to get in its work. Members who found their chief support in the struggle against the Court in their own country constituencies could not easily be estopped from telling the people "back home" what was going on; they were not willing to refrain from releasing their speeches for sympathisers in the city and country to read. In the growing excitement of the struggle between King and parliament the principle of secrecy was sure to lose.

Nevertheless the common law of parliament was on the side of secrecy and that common law was sure to be asserted. Although it was becoming increasingly easy to evade the rules of secrecy, no member could openly violate them without bringing down upon himself the condemnation of the House. The following quotation from the Borlase news-letters for 1628 tells its own story: "Mr. Cowcher presents a letter to the house directed to him from the Towne of Worcester . . . The beginnunge of the letter was thus . . . Wee thanke you for givinge us intelligence of your proceedings in parliament. This beginnunge had allmost spoyled all

²¹ The term "Country Party" is used here a little in advance of its time. But as a matter of fact the term "Country" was coming in, in the early twenties if not before.

²² On February 6, 1640-41, when the Commons were discussing the bad copy of St. John's Declaration that had got out, D'Ewes made a speech: "Our speeches in this House were like the Sibilline oracles antientlie kept in Rome which were Arcana Sacra and not to bee divulged" (Hart. 162, f. 203 A). On July 22, 1641, it was "ordered that all the members of the House are enjoined to deliver out no copy or notes of anything that is brought into the House, propounded, or agitated in the House." C.J. 2:220.

the rest."³³ But the law was asserted more positively when the demand for news had become intense and there were men hanging around Westminster ready to capitalize that demand and furnish news and copies of speeches to a far greater extent than had ever been done before. The Country Party was willing enough to ignore parliamentary common law in order to give out the speeches of their own party. But when these speeches came out without their connivance, in wretched versions, when the speeches of the Court also flooded the market, very telling speeches sometimes, the "Country" leaders were quick to push through the Commons resolutions against those whom they held responsible. The inconsistencies of the Country Party in enforcing the laws regarding secrecy against private members were fully as great as their inconsistencies in respect to the publication of documents. They were willing to let the speeches of their own party get out, and from this leakage developed the production and circulation of separates. It is a subject that must be dealt with in great detail.

We have first to account for the circulation of prepared speeches. In nearly all cases the authors of the speeches were themselves responsible for giving them out. They passed them out to their friends, and their friends allowed their friends to copy them until presently the circulation was quite beyond the control of those who had started it. There can be no doubt that the practice began almost as early as the practice of preparing speeches in advance, *i.e.* during the reign of Elizabeth. In the Prologomena to his *Journals of all the Parliaments of Elizabeth* Sir Simonds D'Ewes alludes to the separate speeches which he inserted: "The transcripts of some speeches I had my selfe by mee being the verie autographs or first copies, penned by such as spake them, as did evidently appeare by ther manie interlinings."³⁴ This evidence is corroborated by Peter Heylyn in his statement that the practice of making prepared speeches in parliament was a recent practice, and that members not only took delight in "tedious speeches, but at first disperst copies of them in writing and afterwards caused them to be printed, that all the people might take notice of the zeal they had to the common liberty of the nation."³⁵

In his introduction to the collection of speeches for 1628 which he published under the name of *Ephemeris Parliamentaria*, Thomas Fuller gives a picture of the practice as it existed at that time: "Some gentlemen, Speakers in the Parliament, imparted their speeches to their intimate friends; the transcripts thereof were multiplied amongst others (the penne being very procreative of issue of this nature:) and since it hath happened that the Gentlemens Originalls have in these troublous times miscarried,

³³ Stowe 366, f. 66.

³⁴ Harl. 73, f. 7, verso. D'Ewes speaking in the Long Parliament says of Digby's speeches, which got out: "three of his former speeches . . . which could come . . . but from his owne hand." Harl. 163, f. 136.

³⁵ Heylyn, *Examen Historicum* (1659), pt. 2, p. 74.

yet so that the fountain (as I may say) being dried up, hath fetcht this water from the channell, and they have again supplied their losses from those to whom they civilly communicated a copy of their paines."³⁶ And in the forties the practice was still going on. In 1649 Bulstrode Whitelocke writes: "I informed them [the Rump Commons] out of records and histories as well as I could of their constitution [*i.e.* of the House of Lords]: some desired notes of my speech, and had them."³⁷ And Nalson, in speaking of the many inaccurate and fictitious speeches that got out at that time says: "Yet I am not without good authority that divers of those speeches were the true children of those parents at whose doores they were laid."³⁸

But most speeches in the Commons were not carefully prepared in advance, were not put into shape to be readily given out. A very large number of separates of speeches which are to be found today did not originate with the speakers themselves. They are speeches in the give-and-take of debate. These bear no trace of that painstaking phraseology so full of classical and biblical allusion, these speeches betray quick sharp rebuttal. As Thomas Fuller says: "Many worthies there were in that place who only were dexterous at short and quick returns."³⁹ The speeches of such members must have been put together afterwards from notes. And there are other speeches of length which evidence the fact that they must have been put into shape only from notes, that they were not carefully prepared, formal productions.⁴⁰ Often they were productions the speakers themselves would have promptly disavowed. As early as 1588 we find Sir Edward Hoby complaining in the House that one high in authority had received a false report of a speech made by him.⁴¹ And at the later period Sir Edward Deering stated in the House: "My speech . . . crept out from his fellowes by stealth . . . Some faultes are in itt."⁴² These are the separates the responsibility for which has never been located. Yet it is most important that it should be, for it is right here that we have the faint beginning of the reporting of parliamentary news. There seem to be only two possibilities; either they were written by someone inside the House from his own notes taken at the time, or else the work was done by an outsider from such information as he could obtain.

³⁶ Preface, 5 verso.

³⁷ Whitelocke, *Memorials of the English Affairs* (Oxford 1853), 2:521.

³⁸ 2:xi.

³⁹ *Ephemeris Parliamentaria*, Preface, 4 verso.

⁴⁰ The very phrasing of the title of the separate sometimes indicates how it was put together. "An Occasional Speech of Sir Simonds D'Ewes (as near as it could be collected together) delivered at a conference by a Committee of Both Houses . . . on Friday Morning, July 2, 1641." *Diurnall Occurrences*, 1640-41, (1641) 125. A separate of Eliot's indicates the same thing—"A Collection of the substance of a speech made by Sir John Eliot." Harl. 6800. f. 339.

⁴¹ Heywood Townshend, *Historical Collections . . . of the Four last Parliaments of Queen Elisabeth* (1680), 18.

⁴² Sir Edward Deering to his wife, Jan. 24, 1642. *Proceedings in Kent in 1640*, xliii.

A close scrutiny of the separates themselves inclines one to the latter alternative. This is not due alone to the fact that the separates differ so in the style of writing from the Commons Journals on the one hand or from the private diary on the other. In either case that could be explained by the fact that they were "written up" afterwards for an outside public, though it is extremely improbable that under the existing rules regarding secrecy either the clerk or a private member would have deliberately carried on such a practice. The conclusion is rather based on the fact that the separates betray the fact that they were written by someone not wholly familiar with what was going on in the House, someone who was piecing together information received from different sources. There are many speeches where the line of thought is confused;⁴³ yet a comparison with the private diaries shows that the words are nearly correct. It is sometimes possible to take these speeches apart and (by the aid of the private diaries) put them together again, like a jigsaw puzzle, in the right order. In order to prove that these separates were the work of an outsider, it is necessary to answer two questions. How could an outsider obtain the requisite information for putting together the separates? Who were the men who would consider it worth their while to follow such a business?

It has already been noted that the rules of secrecy as they concerned the members were being disregarded, that members were freely circulating their own prepared speeches. But the abuse went much farther than that, private members were also responsible for the circulation of speeches other than their own. During the Parliament of 1610 a man, who was probably a member of the Commons, wrote letters to a friend in the country, and with those letters sent manuscripts of certain speeches. "I hope," he wrote "I have satisfied your desire in sending you as perfect a Copy of the Lord Treasurer's speech as you could have from any other hand, for I did diligently employ my tables, and made use of the like collection of two gentlemen of the Lower House who had both better braines and swifter pens then I." That what he was doing was unwarranted he recognizes in the same letter when he asks his friend to see that "noe notice be taken of my name because it is a tickle thing for a privat man to be the reporter of such speeches as come out of the mouths of men in great places."⁴⁴

That members were giving out their prepared speeches, that they were even taking notes in the House not only for their own use but for communication to friends proves of course the great laxity with which members

⁴³ Frankland in telling of the Parliament of 1620 quotes a manuscript from a "Collector" and says: "The King is said by the Collector to have made this speech following to the parliament; but the speech is not the Kings but a hodge-podge of the Collectors; the true speech of his Majesty followeth the other of the Collectors." Frankland, *Annals of King James and King Charles the First* (1681), 47.

⁴⁴ A Letter from G.D. to his friend A.W. in Middleburgh advertising him of the occurrences in Parliament and withal sending him a copie of the late Lord Treasurer Cecil's speech. *Commons Debates in 1610* (Camden Soc.), 153, 154.

treated the rules of secrecy. We have already implied that from the time of Elizabeth any objection to publicity that was voiced in the House was in reality due altogether to the character of the information that got out. Either that information favored the King's side or it slandered the opposition who were likely to put in a claim that they were being falsely reported. Such were the claims of Sir Edward Hoby and Sir Edward Deering which have just been noted. That there was just cause for such complaint even as early as 1588, that the practice even then had become a common one, we may be sure, for in that year it became necessary for the Speaker to deliver an "Admonition . . . to the whole House against the uttering the secrets of this House, either in Table-talk or Notes in Writing."⁴⁵ It is easy to see how the idle talk of a member, growing as gossip is sure to grow, or warped by its deliberate distortion by an enemy, might at last be written down and so receive the semblance of first-hand notes.

But in the making of such a separate we are presupposing that there was someone to whom the making of separates was of enough concern for him to seek out the stray bits of information that went from mouth to mouth, someone who was glad in that way to supplement what separates he could obtain from the copies of copies of documents and legal arguments given out by the clerk and of the speeches prepared and given out by the speakers and their friends. We have already pointed out that the separates themselves reveal that he was an outsider, not a member of the Commons. We now go a step farther and maintain that he was a person who carried on the pursuit for profit. Not only was there great industry shown in the gathering together and manufacturing of the separates but even more businesslike was the way they were circulated throughout the country. That circulation was much more extensive, much more prompt and regular than can be explained by the communications of friends. More than that we have the conclusive evidence that the separates were obtained for a price. It is indeed from the circulation that we get the last link in the chain of proof as to the authorship of the separates.

To circulate speeches in manuscript was comparatively safe, and beyond doubt profitable for those who had it in hand. It can easily be proved that those in charge of the distribution of speeches—whoever they were—sent

⁴⁵ Heywood Townshend, *Historical Collections . . . of the Four last Parliaments of Queen Elisabeth*, 18.

⁴⁶ That many members of parliament possessed copies of speeches can readily be proved from the manuscripts in the country houses of today belonging to the descendants of those members. The Crewe version of the *True Relation* of 1629 was derived from the manuscript of Sir Thomas Crewe, a member of that parliament. The Napier copies of numerous speeches in the Parliament of 1628 were derived by the editor of the old *Parliamentary History* from the great grandson of the Napier who belonged to the Parliament of 1628. The speeches for several parliaments belonging to Lord St. Germans go back to Sir John Eliot, and the Knightley parliamentary manuscripts recently sold by Lady Knightley of Fawsley go back to Richard Knightley, who played a rôle of some importance in several early seventeenth century parliaments. For the Manchester Manuscripts, the Bute Manuscripts and several others, the same natural derivation can be proved. Pym had a "trunk full of papers, written books, and journals of Parliament taken from him" in May 1640. *Cal. St. P. Dom.*, 1640, 153.

out as many as fifty or seventy-five copies of such speeches. Members of parliament,⁴⁴ important county families,⁴⁵ great nobles,⁴⁶ politically affected clergymen,⁴⁷ ambassadors from foreign states,⁴⁸ Privy Councillors⁴⁹ and less important people possessed copies and possessed them very shortly after the speeches in question had been uttered. In many instances such persons received copies regularly throughout the session of parliament. During the Parliament of 1628, the Reverend Joseph Mead of Cambridge received almost daily manuscript news-letters and separates of the Commons debates.⁵⁰ During the Long Parliament the Montague family got reports from the parliament.

One could go on to give other illustrations, but better evidence than these isolated cases is the fact that most of the manuscript copies show the marks of having been mailed. They are nearly all of them once or twice creased where they had been folded. Sometimes they have on the back the address to which they are being sent.⁵¹

But they were not only being sent into the country, they were, perhaps to an even greater extent, being gathered by the men at Westminster, who read for their own profit and sent them on to their relatives⁵² and friends.⁵³ We know, for example, that Robert Baillie, Scottish Commissioner in London during the Long Parliament, forwarded them in almost every one of those racy letters that he sent north.⁵⁴ They were getting them also to supplement their private diaries of the proceedings. Sir Edward Nicholas in his *Proceedings and Debates in the House of Commons in 1620 and 1621*, that very full account of a long course of Commons debates, prepared almost certainly for the perusal of the King and the Privy Council, would sometimes after giving a report of a speech in his own pat summary,

⁴⁴ See preceding page for this note.

⁴⁵ E.g. Wm. Bromley of Baginton, Warwickshire. Add. MSS 36, 828. Lord Leconfield. *Hist. MSS Comm.* VI, 306. Miss C. Griffith's MSS *ibid.* V, 412. Sir A. A. Hood, Bart. *Hist. MSS Comm.* VI, 351.

⁴⁶ See Buccleuch and Queensberry MSS I, 294.

See Carte MSS (Bodleian) LXXVII, f. 433 where the speeches of Seymour and Wentworth in the session of 1628, folded for mailing, are to be found in the Huntingdon MSS.

⁴⁷ *Diary of Rev. John Rous* (Camden Soc.), 100, 104-8., Parr's *Life of Ussher* (1686), 398.

⁴⁸ *Cal. St. P. Vendian, 1619-1621*, 231, 577; 1623-1625, 227, 234.

⁴⁹ In the *Cal. St. P. Dom. 1640-1641*, 297-98 there is a speech of Read's calendared which is in Read's handwriting and endorsed by Secretary Windebank. It is a speech that, so far as we know, got no circulation. In another instance a speech of Sir Benjamin Rudyard's delivered March 22, 1628 and in general circulation is to be found written out in Nicholas's handwriting in the same words among the governmental documents. *State Pap. Dom. Car. I*, xcvi, no. 4.

⁵⁰ *Court and Times of Charles I* (1848), 1:347-48 *et aliter*.

⁵¹ In Harl. 6255 are to be found many of the separates for 1628, each one once folded, evidently for mailing. Others are to be found in Cambridge, Add. 27; Ashm. (Bodleian) 830; f. 196. Harl. 1219.

⁵² E.g. D'Ewes to Lady D'Ewes, *Autobiography and Correspondence of Sir Simonds D'Ewes, Bart.* (London 1845), 2:256-57.

Sir John Coke the Younger to Sir John Coke, *Melbourne MSS* 2: 310.

⁵³ John Millington to Gilbert M. *Cal. St. P. Dom. 1628-29*, 43.

⁵⁴ Baillie, *Letters and Journals* (1841), 1:277, 292, 307.

include the standard separate.⁵⁷ Bulstrode Whitelocke has many separates in his diary of the Commons for 1626. Sir Simonds D'Ewes in his voluminous diary of the Long Parliament had the separates copied in by his secretary. Though Sir Richard Grosvenor did not insert the separates in the body of his note-book, he undoubtedly possessed them, for on the fly-leaf of his diary of 1629 he gives a long list of the standard separates to which he has added: "These I have."⁵⁸

Sir Simonds D'Ewes also furnishes us with evidence as to the promptness with which separates were issued. As a general thing he left a space in his diary where his secretary was to copy in the separate; but where this was not done, we find that the separate was inserted about a week after the delivery of the speech. For their coming out in about a week we have further evidence in a bound series of news-letters for 1628 that were at one time in the possession of William Borlase. There the separates, often on paper of a different size (showing that they came from different sources), are of a date about a week earlier than the news-letters that they immediately follow.

The extent of the circulation of separates and the promptness with which it was carried on of itself would go far to prove that it was a business conducted for profit. But on that point we are not left in doubt. There is an account of parliamentary proceedings preserved in the Inner Temple on the fly-leaf of which the owner has put down how much he paid for each speech. So important is this point that the whole list bears reproducing. Note how the prices varied depending both on the reputation of the speaker and the importance and interest of the particular speech. The list shows too the early date at which the sale of separates had begun, the latest of them belonging to the session of 1628.

2 Lord Keepers Speeches	4	6
Kings Speech	0	10
Sir Robt Cottons	2	
For Sending	0	6
Propositions	0	4
The petition to Mr Johnson	0	
Sir Robert Cottons	2	0
Sir John Elliots peti[ti]on	1	0
Dukes Speech	0	6

⁵⁷ *Proceedings and Debates of the House of Commons in 1620 and 1621* (Oxford, 1766), 2:228-41. Nicholas includes after his own notes, "Mr. Pymmes speech at large."

⁵⁸ See also May's speech of August 10, 1625 as given in *Debates in the House of Commons in 1625* (Camden Soc.), 110-12, and in Eliot's *Negotium Posterorum*, 2:84-85. The similarity of the two makes it evident that both writers were using a standard separate. Cf. also Rudyard's speech as found in *Debates in 1625*, 9-11 with Eliot, 1:66-68. Walter Yonge has inserted a separate of the Commons Declaration, June 4, 1621. *Diary of Walter Yonge* (Camden Soc.), 39-40.

Sir Francis Sennar		
Sir John Wentworths	1	10
Sir Robert Phillips		

In the same volume on folio 10 is another similar record.

Precedents of Record	£	
Selden's Reply	£	
Sir Dudley Diges Introduction	£	
Sir Henry Martin and Mr Glanville	£	
Sir Edward Cooke per	£	r
Seldens Argument	£	
Remonstrance	£	
Petition of Right	£	r
Objections of the Lords	£	r
Littleton per	£	r

If the separates were being sold instead of privately circulated, the men whom we should naturally suspect were the scriveners and stationers, the men who did copying of documents and manuscripts, the men who sold copies of manuscripts and the men who printed them for sale. Scriveners were more properly the copiers of manuscripts, stationers more properly the printers. But the terms cross into one another so often, and the work done by the two different kinds of men was so often interrelated that we have used the two terms together and will so use them throughout. That these men produced the separates there is much evidence.

Early in 1641 stationers were being fetched constantly before the Commons for printing speeches without authorisation. The officers of the Stationers Company were being urged to the task of prevention of "licentious printing." In June of 1641 the Commons asked the Wardens of the Company to "use the best means they can for Preventing and Suppressing of them."⁶⁰ D'Ewes interprets their resolution: "in particular they are to suppress a great volume of speeches of this House in folio which is now to be printed."⁶¹ This was beyond doubt the collection of speeches which was in November to slip through the press, the well-known *Speeches and Passages*.⁶² From this time on the *Commons Journals* are full of resolutions about the unruly printers and "venters of manuscripts." Not one or two stationers but many were brought before the Commons.

The zeal of the Commons against the scriveners and stationers is proof of the activities of those men and there is much further evidence. Sir

⁶⁰ Petryt MSS, 538, vol. 18, f. 46.

⁶¹ C.J. 2:168.

⁶² D'Ewes. Harl. 163, f. 276. D'Ewes tells us at another point (f. 270) that "It was Thomas Harper, a scrivener in Little Brittain, who had a purpose to print many speeches made by the members of the house . . . and bound them together in folio."

⁶³ *Speeches and Passages of this Great and Happy Parliament (1641).*

Simonds D'Ewes in one of his own speeches to the Long Parliament said: "There were now abiding in and about London certain loose beggarly scholars who did in alehouses invent speeches and make speeches of members of the House,"⁶³ and at another time: "I had yesternight a speech brought me by a stationer to whom one John Bennet, a poet lodging in Shoe-Lane, sold it for half a crown to be printed."⁶⁴ We know also that in 1640 a stationer, William Stanesby, who as early as 1626 had been collecting parliamentary manuscripts,⁶⁵ complained because the Government confiscated his large assortment of "manuscripts, journals, and other passages of Parliament with divers other notes and papers of several natures to the number of about 300 quires of paper."⁶⁶ We know too of a stationer, Thomas Harper, who got into trouble with the Commons for printing Strafford's speeches. He had gathered speeches for each day during the trial and was printing them when the stationers put a stop to it.⁶⁷ The same notion of the scrivener is conveyed by Baillie who says of one of Pym's best speeches: "Some of the passages of it, and no more but some, and these defaced, I send you in print, as they have been taken in speaking by some common hand."⁶⁸

If the stationers had such a flourishing business after printing of speeches began, we may fairly suppose that they were in charge of the distribution of earlier speeches. And we have very definite evidence to support that contention. In 1621 a speech came into circulation attributed to Sir Edward Cecil, a speech urging the importance of granting an immediate supply for the Palatinate. This speech, Gardiner says, was a forgery and quotes a letter from Carleton to Chamberlain who says that one Turnour was its true father.⁶⁹ Carleton was no doubt right, for Turnour appears again; in 1626 the Commons resolved to send for a scrivener by name Turnour who had given out a copy of the Remonstrance to the King before it had been presented to him.⁷⁰ In 1628 we know that a scrivener of Holborn named Willoughby was selling copies of the Remonstrance drawn up at that time by Parliament.⁷¹ We have another bit of evidence as to the business in parliamentary speeches in this earlier period. Thomas Frankland, who in 1681 brought out a workaday history of the reigns of James I and Charles I,

⁶³ Harl. 162, f. 351b.

⁶⁴ Harl. 162, f. 376. Bennet was summoned to attend the Printing Committee. C.J. 2:422.

⁶⁵ State Papers Dom. Car. I. xxvi, no. 48. Stanesby was associated with Nathaniel Butter in issuing corantos. See State Papers Dom. Jac. I. clvii, no. 40. Stanesby had earlier had his printing house "nailed up" and his presses broken by the Stationers Company on the warrant of the Council. *Idem*.

⁶⁶ *Hist. MSS Comm.* IV, 54.

⁶⁷ D'Ewes. Harl. 163, f. 270.

⁶⁸ Baillie, *Letters and Journals*, 1:348.

⁶⁹ *History of England, 1603-42*, 4:28 n.

⁷⁰ C.J., 1:844.

⁷¹ See D.N.B. sub. Felton, by Sir Sidney Lee.

impugned Rushworth's version of one of James' speeches before the Parliament of 1621, and declared that he had got hold of a much better copy from a Mr. Munday, then in 1681, actuary, *i.e.* recording clerk of the Convocation, "a very aged person, and yet alive . . . having the copy thereof (now in my keeping) always in his custody, and wherof he hath delivered several transcripts to persons of eminency above 40 years ago, who desired the same."⁷² Now if Mr. Munday was an actuary, a clerk who wrote down proceedings in 1681, and above forty years ago, *i.e.* before the Short or Long Parliament, he was one of the very men for whom we have been looking, one of the scriveners who were in the business of furnishing separates. It was, of course, chiefly to the publication of speeches on the King's side that the Commons really objected. "Such was the iniquity of the times," says John Nalson, "which would not indure loyal truth that few of them were permitted to be made publick."⁷³ From 1628 on to 1642 it is evident enough that speeches supporting the "Country" could find their way out of the Commons House with little objection raised. If the speeches came from well-known leaders of either party there was, however, the keenest competition to get them out. In one case we find that a speech sold forty-five hundred copies.⁷⁴ Says the author of *A Presse-full of Pamphlets*, a tract published in 1642, speaking of the stationers and scriveners: "Besides they have a corner in their venters to breed Conferences, Speeches, Petitions, Declarations, etc."⁷⁵

From the evidence presented the activity of the stationers in the production of separates is, we hope, established, but one question is raised which needs further elucidation. For the carrying out of their enterprise the stationers could not have depended entirely upon haphazard ways of obtaining their information; there must have been some collusion between them and members of parliament. That there was such collusion in the case of prepared speeches there is ample proof. We know that after the printing of speeches began to be tolerated during the Long Parliament, again and again members made arrangements for the printing of their speeches.⁷⁶ Occasionally we find, as on one of John White's speeches in 1641, the direct evidence, "printed by his own copie with additions."⁷⁷ In many cases we find proof that the writer, either before or after the delivery of his speech, had turned in a copy to the stationers. In one case, if the none too safe

⁷² Preface to Thomas Frankland, *Annals of King James and King Charles I.*

⁷³ Nalson, 1: lxxviii. So hard was it for royalist speeches to get into circulation that Charles expressed surprise when one of Deering's utterances was allowed to pass the press. *Proceedings in Kent in 1640*. xlv.

⁷⁴ *Proceedings in Kent in 1640*, xliii.

⁷⁵ E. 142 (9).

⁷⁶ *Stationers' Register*, March 21, 1640; May 25, 1641; July 5, 1641; July 8, 1641; January 27, 1641/2.

⁷⁷ *A Speech of John White, concerning Episcopacy, Printed by his own Copy with Additions*. London 1641. E. 198 (18).

A side-note in the Borlase news-letter for May 14 may indicate the same thing. We find there: "This report of Mr. Pimms is . . . in *verbis conceptis*." Stowe 366, f. 165.

Sanderson is to be trusted, one of Eliot's speeches was in circulation as soon or sooner than it was spoken in the House. Sanderson is speaking of the speech delivered by Eliot on March 2, 1629, and he says: "And so in love he was, of what he meant to say, that the heads thereof were copied and published to the Treasurer, who prepared the King with a message that followed his speech immediately."⁷⁸ In many other cases it is easy to prove that Eliot must have furnished stationers or scriveners with his speeches. We find copies of those speeches, presumably put out by the stationers and certainly sold for money, which agree almost word for word with copies of his speeches to be found among his own manuscripts, carefully corrected in his own handwriting. It is easy to find speeches which show traces of careful revision before they were offered to the stationer.⁷⁹ In some instances the stationers edited the speeches given to them. Again and again the stationer must have had before him a complete copy of a speech and have made from it a briefer edition. What he did in such a case was to keep many of the exact phrases, the more felicitous ones, and omit whole sentences and less interesting parts of the argument. If this were not enough to show the relation between the speaker and stationer examples could be cited where the stationers had circulated a speech, easily recognizable as that of the man to whom it is attributed, a speech that bears evidence of his painstaking work, but which was never delivered.⁸⁰ More common, however, are cases where the speaker handed in his prepared speech and then under the stress of a particular situation in debate gave a speech that was in parts quite different from that which he had planned, and, in consequence, from that given to the public.

For the other speeches which were obviously written from notes we have already shown how the stationers could have picked up their information in tap-rooms and elsewhere, much as the clever reporter picks up his news today. Now and then perhaps an enterprising scrivener crept into some conference or committee session and unobserved made his own notes.⁸¹ But more often he would get the notes from memory of two or three members and by comparison hammer out a speech or a passage of debate. Done in this way the result would be a rather disorganized whole. One member would recall certain features of a speech, another would recall others, and the not too intelligent stationer would combine their

⁷⁸ Sanderson, *A Compleat History of the Life and Reigns of King Charles* (1658), 130.

⁷⁹ For evidence of a speech carefully polished off after delivery see Forster's *Eliot*, 2:69-71. Cf. speech there given with the speech as found in Mass. MS, ff. 184 verso-85; Grosvenor, IV, 85; Borlase, Stowe 366, f. 189. See also Gardiner's comment on this speech. *History of England, 1603-42*, 6:285 n.

⁸⁰ See Lansd. MS 491, f. 138 for a speech of which Eliot says it was "not spoken but intended." And on April 30, 1641, D'Ewes protested against "some speeches printed alsoe which I could never remember to have been spoken in the House." Harl. 163, f. 120.

⁸¹ D'Ewes speaking in the Commons of a poet-scrivener who had fathered a speech upon him says: "He enformed the partie to whom hee solde it (a stationer) that hee was present at the Conference when it was delivered." Harl. 162, f. 376.

recollections in such a way that there would be overlapping, gaps in the thought and logic, and if not gaps an entirely misleading combination of the thought. A man would be made to say things that made no sense when they were put out by the scrivener but do make sense somewhere else. And this, as we have already noted, is the exact character of some of the separates.

But we cannot think that the stationers would have been satisfied with such information if by direct dealings with members they could have obtained better. Neither can we think that it was only the makers of prepared speeches who were eager to have the proceedings of the Commons noised abroad. In the Admonition of the Speaker in 1588 "against the uttering the secrets of this House," the complaint was not only against "table-talk" but also "notes in writing." The "notes in writing" were at that time probably given out to friends and the person held responsible for the leakage of information was not the receiver of the news but the giver. Sir Edward Hoby, at the time he made his complaint regarding the false reporting of one of his speeches, moved that the offending member be cited before the House as had been done in the time of Edward VI and earlier in the reign of Elizabeth.

How much greater the leakage must have been in 1640-42 when there was no longer much effort to stop it at the source, when it was the venters of the separates who were being called before the House. In 1642 when a member had been required to give up his notes Sir Harry Vane, senior, had turned to D'Ewes and remarked that he could remember when no man was allowed to take notes, and wished it now to be forbidden. "Which occasioned me, being the principal note-taker in the house, to say . . . that the practice existed before hee was born. For I had a journal, 13th Elizabeth."⁸² That this journal of D'Ewes was itself a real cause of leakage we have further evidence. In May 1641 he wrote to his wife: "I might spare enlarging myselfe this weeke, because I hope this bearer will give you a full relation of all the newes, having as I perceive, taken some privy notes of it in a paper, which I hope hee hath enlarged out of my Journal of the two last dayes—passages which I lent him this morning to free myselfe of his discourse."⁸³ It is easy to imagine that the bearer's importunity was not mere curiosity. Such notes had a market value. Further evidence as to the relation between note-takers and scriveners is perhaps to be found in another part of the incident of 1642 referred to above. Sir Walter Earle objected that he had seen "some at the lower end [of the House] comparing their notes and one of them had gone out."⁸⁴

⁸² D'Ewes quoted by Forster, *Grand Remonstrance* (London, 1860), 124 n.

⁸³ Sir Simonds D'Ewes, *Autobiography and Correspondence of*. 2:265.

⁸⁴ D'Ewes, quoted by Forster, *Grand Remonstrance*. 124 n.

If even at this date there was objection to the carrying on of such a practice in the House, it is a safe guess that in the twenties the feeling against it must have been greater and the number of offenders very few, too few for the stationers to have obtained much information from them. But it would be a grave error to assume that all notes in writing must have been made while debate was going on. It was a time of close concentration and long memories. Many members there were who could easily have gone home and written out the speeches almost verbatim and so have avoided all detection, if they chose to help the stationers.⁸⁵ Perhaps it was from the knowledge of that very fact that the Commons no longer attempted to trace the leakage of news to its source. It was probably to this kind of notes, gathered from memory that Fuller referred in the introduction to his *Ephemeris Parliamentaria*: "We have compared," he writes, "varias lectiones, or rather varias auditiones, the copies as they have been taken by several auditors. Sometimes a copy charitably relieved another, nor was it long before the defects of the same copie were supplied out of that other transcription."

No part of our search for evidence on this baffling subject proved more fruitless than that of finding out the particular persons who furnished the stationers with their material. To find a bald statement that such and such speeches were taken down by such and such members would be most satisfying. Such statements will hardly turn up. Members would have been too canny to allow their connection with a scrivener to be given away. In going over a large body of parliamentary materials we have discovered only one instance where a separate is definitely attributed; in that instance only initials, very possibly false, are given. Sir John Eliot's speech of June, 3, 1628, is the case in point. That speech, which was at least in part spontaneous, is said in some of the manuscripts to have been collected by "H.W. and T.B. and others."⁸⁶ It is doubtful whether anything more concrete will ever be known.

From the foregoing account it can easily be seen that separates are not a reliable source of information, that they are much more apt to be faulty than correct. Their inaccuracy was indeed a chief cause of complaint against them. The Commons sought to punish the printer of St. John's Declaration made at the Conference because it was "full of errors and mistakes."⁸⁷ Sir John Culpepper brought in a copy of the Commons's Protestation "falselie done."⁸⁸ Nalson in quoting a speech of Sir John

⁸⁵ A resolution of the Commons on July 22, 1641 is significant: "Ordered that all stationers, printers, and others shall take the names of all such persons which shall bring anything to them to be printed, sold or uttered." C.J. 2:220.

⁸⁶ Minnesota MS of Parliament of 1628, f. 334. But these initials are to be found on many other copies of this widely distributed separate.

⁸⁷ D'Ewes. Harl. 162, f. 203.

⁸⁸ D'Ewes. Harl. 163, f. 136.

Holland tells us that Holland makes exception to the speech itself as not agreeing exactly with the original spoken by him."⁸⁹ Sir Edward Deering published his speeches himself because one or two of them printed without his "connivance" were so inaccurate.⁹⁰ On June 28, 1641 "Fines moved that the reporte hee had made in the House June 17 last past was verie falselie printed."⁹¹

In January 1641 a report of a Committee on Scandalous Ministers in some way reached a stationer—a well-known stationer—and it led to a discussion in the Commons. "It grew at last to a dispute whether the Speaker should ask him divers questions how hee came by the copie or onlie whether hee had caused it to bee printed or not." D'Ewes, as usual, had something to say, "I beleeve from my experience of written materials by the falsities of the printed pamphlet that it was transcribed out of a twentieth copie."⁹² D'Ewes' comment that Overton had probably printed his copy from a twentieth copy tells much. Members had procured copies from the clerk and had given copies of these to their friends. The copies had been copied and recopied until one manuscript came into the hands of a printer. The same thing had happened with that celebrated speech of Lord Digby in favor of Strafford. Sir John Evelyn reported from the Committee looking into the way in which that speech had got out, that Digby had given the speech to "John Moore, a common writer to write 20 copies."⁹³ After that the speech found its way easily enough into print.

But the stationers were not only inaccurate, they were often unscrupulous. They furnished bad copies of speeches; they did more than that, they manufactured speeches which they sold widely. In a letter to his wife early in 1642, Sir Edward Deering writes: "You write of a speech of Mr. Hamden's, but no word off itt was sayd heere, nor of that poore phrase ascribed to Sir Benjamin Rudyard."⁹⁴ In another instance, a printer was ordered to be fetched before the Commons for "causing two speeches to be printed, pretended to be spoken, one by Mr. Pym, another by Mr. Holles."⁹⁵ Said Simonds D'Ewes in the Commons: "Much wrong was offered of late to several members by publishing speeches in ther names which they never spake."⁹⁶ Again, "There weere also sundrie speeches of private men divulged and some of them copies verie false, but by whom

⁸⁹ Nalson, 2:xi.

⁹⁰ *Proceedings in Kent in 1640* (Camden Soc.), xvii *et passim*.

⁹¹ Harl. 163, f. 358 verso. The Printing Committee was "to use their best diligence in inquiring, by what means this came to the press; and who printed it." C.J. 2:190.

⁹² Harl. 162, f. 133A.

⁹³ D'Ewes. Harl. 163, f. 396.

⁹⁴ Sir Edward Deering to his wife, Jan. 24, 1642. *Proceedings in Kent in 1640* (Camden Soc.), xliii.

⁹⁵ C.J. 2:501.

⁹⁶ D'Ewes, Harl. 162, f. 376.

there given out, I know not."⁹⁷ Rushworth in his introduction to his *Historical Collections* speaks of "other men's fancies more busie than their hands, forging relations . . . publishing speeches as spoken in Parliament which were never spoken there."⁹⁸ Among the many circulated speeches of the Long Parliament, several could be picked out which never came from the speakers attributed to them.⁹⁹ One of them is described to us by John Nalson, who tells of a speech fathered upon Sir Edward Hailes: "One Talboy, a busie prating newsmonger, being desirous to exchange a speech he had pick't up for another which he wanted, he went to a scrivener at Temple Bar, who then traded in such things, who refusing a speech without name to make it currant coin, Talboy stamped on it that of Sir Edward Hailes, and for a while it passed as his; but notice being taken of it, Sir Edward Hailes consulted his friends, members of the then House of Commons to advise what was fit for him to do, towards vindicating his honor from the scandal which Talboy had put upon him; but Sir Norton Knatchbull, who is yet alive to attest this, and the rest of his friends were of opinion, that considering the despicable credit of the fellow it was more advisable to take no notice of the imposture."¹⁰⁰

In summing up, let us briefly answer the question asked at the beginning, what are separates? They are parliamentary speeches, etc., gathered by ignorant, careless and often unscrupulous scriveners in roundabout ways and hastily put together for immediate circulation.

⁹⁷ *Ibid.*

⁹⁸ Vol. I, iii.

⁹⁹ March 28, 1642 Richard Heren was sent for by the Commons for printing speeches "pretended to be spoken" by Pym and Holles. C.J. 2:501.

C.J. 2:116. April 6, 1641. "Ordered that the Master and Wardens of the Company of Stationers be required to attend this House presently; and that forthwith they make search and inquiry after the printer and venter of a speech they term Mr. Maynards; the which speech Mr. Maynard absolutely disavows: and that they use all diligence in suppressing the said speech."

¹⁰⁰ 2:xi.

CHAPTER IV NEWS-LETTERS

We have dealt at length with separates. We have now to discuss news-letters. Finally we shall treat of the combination of news-letters and separates into parliamentary compilations.

The news-letter must first be defined. It was a daily or weekly narrative of parliament, a narrative that was sent out in many manuscript copies. It contained no evidence as to its author or editor, it gave no information that was not of general interest. It was a kind of brief summary of events at Westminster that members of the House were glad to enclose with their letters to the country. It gave the story of what was happening from day to day, and sometimes included picturesque and striking episodes of the Commons.

It is something quite different from the separate. The separate was, as we have seen, any speech or parliamentary document existing by itself in manuscript copies. The news-letter existed in manuscript copies but was a record of daily events.

It was new only in that it was a record of parliament. There had been news-letters before. In Ben Jonson's *News from the New World*, published in 1620, there is a description of a "factor of news": "Gentlemen, I am neither printer nor chronologer, but one that otherwise takes pleasure in my pen: a factor of news for all the shires of England; I do write my thousand letters a week ordinary, sometimes twelve hundred, and maintain the business at some charge both to hold up my reputation with my own ministers in town and my friends of correspondence in the country."¹

It was in connection with the *True Relation* for 1629 that we first met with the unprinted news-letter. It will be recalled that the *True Relation* for 1629 turns out to be, not a fixed account of that session by anyone in particular, but an aggregation of news-letters, with separates attached or inserted. The same thing is true of the long manuscript account of the Commons sessions for 1628 which we shall later have occasion to examine. It is true also of the narrative of the Long Parliament called *Diurnall Occurrences*. By a process of picking these parliamentary manuscript compilations to pieces, we arrive at the genus, news-letter. These had been gathered into large folio volumes, but they were none the less news-letters.

The parliamentary news-letter first appears in 1628. We may suspect indeed that there had been news-letters in 1626. For we know that in that year Sir Benjamin Rudyard was forwarding "remembrances of all that

¹ Gifford, *Works of Ben Jonson* (1873), 614.

had been done in parliament" to his friend Sir Francis Nethersole,² remembrances that were apparently not of his own composition.

For the Parliament of 1628 there are not only news-letters but two quite separate and distinct series of such letters.

The first series of news-letters for that year bears a marked resemblance to the *True Relation* for 1629 which we have already described. Indeed we can perhaps say that the account for 1629 was a continuation of that for 1628. Both are to be found most frequently in the form of manuscript compilations.³ The compilation for 1628 makes up a large folio volume which is a long and detailed narrative of the events in the House of Commons. The more important speeches are given at great length and, as in 1629, are evidently the result of the insertion of separates. As in the case of the *True Relation* for 1629 the folio manuscript of the debates in 1628 reduces, when the separates are eliminated, to a series of news-letters. That it is an aggregation of such letters can be proved by the existence of several of the letters⁴ as separate manuscripts. Not nearly so many indeed have we found as for 1629, but enough to make it perfectly clear nevertheless that there were periodical news-letters for 1628 and that they were of much the same character as those for 1629. It is true indeed that there are more speeches and resolutions in the news-letters for 1628, there is also a fuller outline, and an attempt to give some summary of nearly all speeches. Probably a single hand was responsible for them, instead of two news-writers as in 1629. A second series of news-letters for 1628 is to be found in three folio manuscripts, two of which are in the Stowe manuscripts at the British Museum⁵ and one in the Earl of Ashburnham's Collections.⁶ Only one of these manuscripts bears evidence of being an original; the others are clearly copies made after the originals had been bound up into a folio. The original bears the marks of having been issued in parts; one can still see where each day's proceedings had been folded for mailing. At the end of many of the days separates are to be found, as has already been described. The bound volume of the original bears on the fly-leaf the signature of William Borlase; he was almost certainly not the author but the owner. For convenience's sake we have however called this the "Borlase Account" or more properly the Borlase set of news-letters.

² State Pap. Dom. Car. I. xxiii, no. 30. In Rawl. (Bodleian) C. 674 there is a short series of daily reports of the Commons which seems to be of the news-letter type.

³ We made no attempt to list all the copies of this compilation for 1628 as we did for the *True Relation* of 1629. It is sufficient to note some of the copies of the most complete form, all of which are identical except for copyists' errors. One of them is to be found in the Bodleian (Rawl. A. 78); another in the Petyt Collection in the Inner Temple (537:26); a third belongs to the Marquis of Bute; a fourth to the Massachusetts Historical Society; and a fifth is among the Harleian MSS (4771). This last is not complete, wanting any narrative after May 26.

⁴ The debate for April second is to be found in (Bodleian) Rawl. A. 105, f. 46.

⁵ 366, 367.

⁶ *Hist. MSS Comm.*, VIII, pt. III, 21.

Both series of news-letters for 1628 give a full narrative, both confine themselves almost entirely to what went on inside the House of Commons. The Borlase Account was undoubtedly intended for a more general public than the other; it is much more racy and vivid, clearly designed for a more popular audience. It is fairly safe to conjecture that the second found its sale very largely among the members of the Commons. In tracing the sequence of news-letters from parliament to parliament, we are most concerned, not with the Borlase but with the first of these two series, because it seems to be the beginning of a series which has its culmination in the *Diurnall Occurrences* of the Long Parliament and which probably derives from a common brain or a partnership of brains.

For the Short Parliament there seem to have been two sets of news-letters, but it is the first that interests us.⁷ That set resembles in many respects the *Diurnall Occurrences* of the next Parliament and goes by the same names. In one manuscript, at least, the *Diurnall Occurrences* of the first part of the Long Parliament follows on in regular order.⁸ It was probably a weekly.

The account for each day is so brief that it could hardly have been sent out by itself. The proceedings of seven days would just nicely fit a large sheet to be folded. We find this series of news-letters by itself and we find parts of it hopelessly interwoven with private news-letters.⁹ No doubt that was one function of the news-letter, to be used by correspondents in a hurry. They may partially have filled the place taken by "form letters" today.

The second set of news-letters for this Parliament, if that is what it is, needs only to be mentioned in passing. It has no connection with the news-letters of 1628, 1629 or with the *Diurnall Occurrences* of the Long Parliament. It has none of the same phrases as the others, is written in the first person, and to "you," and is royalist in tone. It may very well have been a private narrative that was copied and recopied and so given circulation. It is the first of news-letters that shows any leaning to the King's side.

With the Long Parliament we have the set of news-letters known as *Diurnall Occurrences*. It exists today as a printed collection, but it exists also in innumerable manuscript copies.¹⁰ And its parts, weekly parts, exist in as many manuscript copies.¹¹ Unlike previous news-letters it dealt with both the Commons and Lords, unlike previous news-letters it did

⁷ State Pap. Dom. Car. I. cccl, no. 94. Cf. also Add. MSS 36827, ff. 1-87.

⁸ Harl. 4289, f. 58 *et seq.*

⁹ State Pap. Dom. Car. I. ccclii, no. 57. Cf. also with Rossingham's news-letter no. 66, and with cccliii, no. 20, neither of which resembles the news-letter in cccl, no. 94, but seem to be Rossingham's own handiwork.

¹⁰ Add. MSS 36, 829. See footnote 7, p. lviii.

¹¹ E.g. Lansd. 510A. f. 193, 199, 305, 616., R. Cholmondeley MSS in *Hist. MSS Comm.* V, 355.

not attempt to give brief abstracts of speeches, but recounted in general terms the subjects of debates and the conclusions arrived at. It was in every respect a more popular news-letter, intended less for politicians and more for a public now widely interested in a parliament the significance of which it was beginning dimly to apprehend.

We have one contemporary allusion to it. William Montagu writes on December 9, 1641 to Lord Montagu: "There is a Journal of this Parliament come forth from the beginning. I have not time to send it, but if you please to have it next week, I shall send it."¹² It was a news-letter more devoted to motions and resolutions than any before and it left out speeches. The news-letter for the Long Parliament had become mechanical as compared with earlier news-letters. Even when it gives interesting tidbits, it does so in a matter-of-fact way. It is never unduly accurate, gets details wrong, and has a gift for attributing events to the wrong day. Like earlier news-letters it is usually impersonal, although the word "I" does stray in once or twice.

It is significant of the relation between the news-letter for the Long Parliament and that for the session of 1629 that when the compilations of news-letters for 1629 was published in 1641 it took the same title, *Diurnall Occurrences*, and came from the same printer. Is it not probable that both came from the same hand or hands? But the news-letter for the Short Parliament was much like that for the Long Parliament and the news-letter for 1628 like that for 1629. May we not then suspect that the whole series—exclusive of course of the Borlase for 1628 and the quite separate royalist account for the Short Parliament—came from the same hand or hands?

The news-letter had then in the course of less than a score of years become a regular feature in connection with parliament. It satisfied a real demand.¹³ It was turned out regularly. And, barring the Borlase series for 1628 and the Royalist account for the Short Parliament, it has a fairly regular character.

That such a news-letter was issued from week to week during the sessions of parliament implies more organized effort than does the production of separates. Each of these, being complete in itself, gave no promise of more to follow. Not so the daily record of events; to write that for one day implied a purpose to continue for the whole session. The daily record reveals also a greater knowledge of what was going on in the House. No doubt it was this part of the *True Relation*, rather than the compilation as a whole, that led Bruce to conclude that it came from "some person who

¹² *Buckden and Queensberry MSS at Montagu House*, 1:288-89.

¹³ John Cleveland alludes to the Diurnal—of which the parliamentary Diurnal was the earliest form: "The country carrier when he buys it for the vicar . . ." John Cleveland's *Works* (1687), 84. It is to be found in many country houses. *Hist. MSS Comn.* I, 54., V 355; *Melbourne MSS* II, 310. Add. MSS 36,829.

had access to peculiar sources of information,"¹⁴ meaning perhaps by "peculiar" what we would term "official," *i.e.* to the clerk.

If this was Bruce's meaning, he took much the same attitude as other scholars who have sought to account for the origin of the news-letters. One has claimed that they came directly from the clerk or assistant clerk, another that although they came from an outside source they went through some process of licensing at the hands of the clerk of one or the other House. We believe that this is a mistaken opinion arrived at, undoubtedly, because the news-letter was studied only as it appears in the finished product, and not at all in its development. Yet it makes it necessary for us to take up the evidence for and against this theory before we can clear the ground for our own theory that the news-letters have exactly the same origin as the separates, *i.e.* were made by the stationers, and that the stationers got their information for the news-letter much as they got it for separates.

Nothing is more natural than to suspect that the news-letters derived from the clerk or assistant clerks of the House of Commons. Alfred J. Horwood in one of the earlier records of the *Historical Manuscripts Commission* assures us that some news-letters of the reign of Charles II to be found among the collections of J. B. Mostyn give proof that they came in part from the office of the clerk. Horwood describes a "newsman" who compiled the news-letter, copies of which he sent to various customers throughout the country. "For parliamentary news he had the (covert) assistance of the Clerks of Parliament, who furnished copies of or extracts from the minutes of proceedings in the Houses of Parliament."¹⁵ It appears from one of the papers in the Mostyn Collection that a number of coffee-house keepers were before the House of Commons and the Clerk of the Commons was forbidden to furnish copies of the minutes to be read in the coffee-houses.

It is quite possible that in the reign of Charles II the makers of news-letters did get information from the office of the Clerk of the Commons, though we should like to see the proof in detail. That the news-letters we have been talking about, those for 1628, for 1629, for the Short and Long Parliaments, had any connection with the Clerk of the Commons, it is impossible to prove and almost as impossible to believe.

There is just one bit of comparison that at first blush seemed to point towards a connection between the clerk's office and the news-letters. John Rushworth's *Historical Collections* in its account of the Long Parliament has passages that agree verbally with those to be found in the series of

¹⁴ *Archaeologia* 38:237-45.

¹⁵ *Hist. MSS Comm.* I, 44.

On March, 24, 1680/81 in a discussion in the Commons of the getting out of news, Mr. Boscawen said: "But your Journal-Books are open, and copies of your votes in every Coffee House." *Grey's Debates* (1763) 8:293.

news-letters for that Parliament known as *Diurnall Occurrences*.¹⁶ But Rushworth was assistant clerk of the House of Commons. And what is more, we know that he did use, in his *Collections*, materials he found in the clerk's office. What more natural than to suppose that those materials which are the same as those in *Diurnall Occurrences* were part of Rushworth's record as assistant clerk? Rushworth could not with safety have had any dealings with the makers of *Diurnall Occurrences*.

How far the makers of *Diurnall Occurrences* were from parliamentary approval is apparent, if we allow ourselves to assume what seems very probable, that the *Diurnall Occurrences* was put together by the same persons who put together *Speeches and Passages*.¹⁷ The latter book contains the famous speech of Digby against the Earl of Strafford, a speech which the Commons had ordered to be burnt by the common hangman¹⁸ and were doing everything they could to suppress. Two members of the Commons, Sir Lewis Dive and John More, had been voted delinquents by the Commons for publishing and printing this speech.¹⁹ On nothing were the Commons more set than on undoing Digby's work. Neither Rushworth nor any other Clerk of the Commons would have ventured to help publishers who were obviously running counter to the wishes of the Commons.²⁰

The resemblances between Rushworth's *Historical Collections* and *Diurnall Occurrences* are easily enough explained. Rushworth used not only official documents, he used everything that came to his hand. What he thought he might require he went and took, when it came to gathering his great historical compendium. There were many copies to be had of the well-known news-letter, *Diurnall Occurrences*, and Rushworth dumped its information into his *Collections* along with many other manuscript and printed materials.

There is a more general reason, however, and a much stronger one for believing that the news-letters were never taken from the clerk's office. In no single case do the news-letters we have examined show resemblance verbal or otherwise to the *Commons Journals*. Had they both originated in the same way, it is unthinkable that resemblances would not turn up. There is no blinking this fact which has been carefully verified at many points. However careful the clerk might have been to conceal his part

¹⁶ E.g. Cf. Rushworth (March 4, 1640/41) 4:203 with *Diurnall Occurrences*, 46, and Rushworth (June 29, 1641) 4:303 with *Diurnall Occurrences*, 175.

¹⁷ They are both printed by William Cooke, *Diurnall Occurrences* right after *Speeches and Passages*, and *Diurnall Occurrences* gives frequent cross-references to the sister publication (See *D. O.* 1, 2, 4, 8, 11, 12, 15, etc.) Furthermore *Diurnall Occurrences* inserts speeches left out by *Speeches and Passages*. The paper and the press form are the same.

¹⁸ C.J. 2:209.

¹⁹ *Ibid.* Cf. also D'Ewes. Harl. 163. f. 13, 288, 396 verso., Sloane MSS 1467, f. 71 verso., *Somers Tracts* (1809-13), 4:234.

²⁰ That Rushworth did afterwards insert this speech in his *Collections* (4:225-28), when he was no longer assistant clerk and when the Long Parliament was a thing of the past, has no significance.

in giving out speeches or narratives of proceedings, he could not have been skilful enough completely to cover his tracks. He could not through four several sessions of parliament have made two separate accounts that showed no resemblance to one another save that they dealt with the same facts. Had he been clever enough always to use different words, he would have betrayed himself in the enumeration of points or in the order of argument. Here and there the *Commons Journals* and the various parliamentary manuscripts would have had tell-tale marks of common origin. Such evidence, though sought long and eagerly, is not to be found. Neither the clerk, nor anyone connected with him, was responsible for the newsletters.

J. B. Williams, in his *History of English Journalism*, a work to the research of which we owe much and to which all students of seventeenth century England must acknowledge their indebtedness, makes the statement that "these 'diurnalls' . . . went through some process of licensing at the hands of the clerks of one or the other House, whose names frequently appear at the end or beginning."²¹ In a more recent treatment of the same subject he says that "in November, 1641, Parliament encroached upon the royal prerogative by permitting *Diurnalls* of its proceedings (to which other news was added) to be published under the *imprimatur* of its clerks."²² This permission is not to be found in the *Commons Journal* for November, 1641. Yet it must have come at that time or soon after, for *Diurnall Occurrences* for January, 1642 by its more authoritative tone gives some slight indication that it was not brought out surreptitiously. It was certainly before March of that year, for on the 28th of that month the Commons resolved "that what person soever shall print [or] . . . sell any Act or Passages of this House, under the name of a *Diurnal* or otherwise, without the particular license of this House, shall be reputed a high Contemner and Breaker of the Privilege of Parliament."²³ And from 1643 onward certain Diurnals bear regularly either the authorization from Stationers Hall, which was of course under the ever watchful eye of Parliament, or of Gilbert Mabbott or some other sub-clerk of the Commons. There can be no doubt that licensing began early, but there is doubt of its being general, as Williams indicates in his further statement that "the result of the permission was that, in a week or two, as many as fifteen *Diurnalls* . . . appeared every Monday."²⁴ The Commons resolution, in March, 1642, suggests rather that most of the Diurnals were appearing without license. And that is borne out by the statement in the first number of *A Perfect Diurnall of Some Passages in Parliament*, June 26-July 3,

²¹ *History of English Journalism* (1908), 36.

²² *Cambridge History of English Literature* 7 (1911), 392.

²³ C.J. 2:501.

²⁴ *Cambridge History of English Literature* 7:392.

1643. We find there: "One thing (to the courteous Reader) is thought fit in this first weeks Intelligence to be premised, that however you have formerly been abused with many false and truthless Informations, through the publishing in print of sundry Fictions, unlicensed Diurnals and such like Passages to the great scandall of the Parliament and prejudice of the Kingdom. The Parliament having since pleased to publish an Order for prevention of such irregular Printing and to settle a course that nothing be hereafter printed without licence on good authority you may hence forth expect from hereafter to be informed only of such things as are of Credit and of sure Part of the proceedings of one of both Houses of Parliament fit to be divulged."²⁵

From this evidence we hope it is plain that Diurnals did not have their beginning as a result of permission from the Commons, but that they were something already flourishing, which the Commons tried to control and curb, when, with war approaching, they felt it necessary to take over the news. Then it became too important a thing to be left to the scriveners around Westminster; it needed to be handled wisely. Up to 1642 their hands were against the purveyors of news. However much individual members of parliament may have welcomed the news-letter as a ready means of informing their country friends, official Westminster was opposed to it and would have tolerated no connection, even underhanded, between its servants, the clerk and his assistants, and the ready writers of diurnal narratives. As late as November 18, 1641, the Commons ordered their Printing Committee to "suppress the Printing or Venting in manuscript, the diurnal Occurrences of Parliament."²⁶

Having dealt with the theory that the clerks of the House of Commons were in any way implicated in the production of the news-letter, we are now ready to turn to our own theory that news-letters have the same origin as the separates, that they came from the scriveners and stationers. It is in the first place a natural presumption in favor of such a theory that in the contemporary manuscripts news-letters and separates are to be found inextricably mixed. The compilation for 1628, the *True Relation* for 1629, are, as we have seen, combinations of news-letters and separates. Many manuscripts exist in which a few separates are joined with a news-letter two.

Similar evidence is the close connection between the printed *Diurnal Occurrences* of 1641 and the book of separates printed under the title of *Speeches and Passages*. Not only were they brought out by the same printer but there are to be found, as we have noticed, cross-references from the *Diurnal Occurrences* to the "Book of Speeches."²⁷

²⁵ E. 249.

²⁶ C.J. 2:319.

²⁷ See above p. xlvii, n. 17.

But the character of the news-letters affords even better proof of their origin. These news-letters were not merely the record of actions, resolutions, etc., but of dramatic and amusing incidents in parliament as well. With the Long Parliament, events in the Upper House were sometimes briefly described. The news-letters were prepared with an eye to a reading public. They were prepared by people who had none too much accurate information. The makers of them fall into errors about events, for example in the trial of the Earl of Strafford,²⁸ errors that could not have been made by those closely in touch with affairs. The makers show that they understood almost nothing about parliamentary procedure or the "fine shades" of parliament. They paid little attention to the order of thought or even to the order of speeches. This internal evidence, then, would lead us to suspect that the news-letters were prepared by scribes and stationers. When we reach the Long Parliament, we have some positive clues as to the authorship of the news-letters for that parliament, and, if for that parliament, in all probability for the preceding parliaments for which news-letters were issued. There are two pamphlets that make very clear the origin of the set of news-letters for the Long Parliament known as *Diurnall Occurrences* and that certainly imply the same origin for the earlier news-letters. We must quote somewhat fully first from *A Presse-full of Pamphlets*: "Here is nothing more congruent to the nourishment of division in a State or Commonwealth, then a diversity of Rumours mixt with Falsity and Scandalisms; nothing more prejudicial to a Kingdome, then to have the divisions thereof made known to an enemy; nothing more infamous to Nobility and Gentility than abusive Pamphlets, and scurrilous descriptions of the severall dispositions of Honourable and worthy persons; nothing more disgraceful to the Proceedings of any Court of Judicature then to have the same spread over the world in unseemly and obnoxious Papers. Secrecy in the Agitation of great Affairs hath always bin accompted good Policy in the alteration of the Government of a State. My intentions in this Paper, is no otherwise but to describe the abuse of Printing . . . abusing . . . even the Proceedings of the High Court of Parliament . . . Never so much printing of Parliamentary Proceedings, as hath bin during the sitting of this most wise, happy, and renowned one."²⁹ The writer then becomes more concrete. "The first inventors of the Art of Printing Pamphlets in this last remarkable year of printing was Clerks (scriveners) or a Clerk, as it is supposed, who being but a single man, could not be contented to live of 15s the week, which he might gain by writing the

²⁸ We cannot stop here to point out the blunders of *Diurnall Occurrences* in respect to Strafford's trial. Those mistakes will be fully dealt with in the critical edition of D'Ewes' Diary, the first part soon to be published.

²⁹ E. 142 (9). We owe to J. B. Williams the first citation of these pamphlets, of which, however, we have made other and further use.

true proceedings in Parliament, and till Printing was unquestionable, and other Passages concerning the same which Gentlemen of good worth delighted in." We stop in the quotation here to notice that the word "writing" is to be emphasized. The Proceedings in Parliament were being written by stationers before it was safe to print them. The pamphleteer goes on: "But in hope of more gain to himself by undoing of others, put the first copy of the *Diurnall Occurrences* that was printed to a Printer, and then came all other things true and false to the Presse; this was the first step to the ruining of the tribe of clerks." The anonymous writer of this pamphlet goes on to sketch the later course of the scriveners or stationers. They turned, he says, to writing what happened in foreign countries, in Ireland, France, Spain, Italy, Denmark, Portugal, and part of Holland, but now he says, "the occupations have turned the Stream into another Channell; and come again to the Proceedings of Parliament . . . Besides they have a corner in their Ventners to breed Conferences, Speeches, Petitions, Declarations," etc.

The pamphleteer seems to imply that this stationer had been getting out parliamentary proceedings for a long time, then gave it up to tell of foreign affairs and resumed it recently, when he also took up speeches, reports of conferences, etc. If this is what the pamphleteer really means, he would imply that this stationer wrote the news-letters for the earlier parliaments, those we have talked about for 1628 and 1629, that then during the thirties he turned to foreign affairs—there were many corantos of foreign affairs during that time—and then, on the opening of the Long Parliament resumed the *writing* of news-letters until printing was allowed and then gave *Diurnall Occurrences* to the printer. Is such an interpretation inferring too much? Possibly. But another pamphleteer seems to imply the same thing. The author of a *Fresh Whip for all Scandalous Lyers* writes: "He was once a stationer till he kept his little hole in Westminster where he indeed began his trade of inditing or framing and so rose at last to the stile of a 'diurnal writer.' I must confess at his first beginning to write he was very industrious and would labor for the best intelligence as his large volumes do testify, but when he found the sweetness of it and how easily he could come by his intelligence he fell to his sports and pastimes."²⁰

Surely this pamphleteer implies that one man was the parliamentary diurnal maker from the beginning on. "His large volumes" could fit only the man who made the news-letters from 1628 on. And furthermore the steady degeneration in the character of his news fits in perfectly. The news-letters for 1628 were better than those for 1629, both were better than those for the Long Parliament. Both pamphleteers make it clear

²⁰ E. 406 (10).

that it was a stationer who got out the proceedings for the Long Parliament called *Diurnall Occurrences*, that one man had in hand the task of preparing a regular parliamentary news-letter. And both pamphleteers give us reason to suspect that the same man got out the regular series of news-letters which begin with the Parliament of 1628 and go on to the Long Parliament. We say "regular," because obviously the Borlase news-letters as well as the second set of news-letters for the Short Parliament are of a different origin.

John Cleveland in his *Account of a London Diurnal* may well be quoted. "A Diurnal is a puny Chronicle, scarce pin-feathered with the wings of Time. It is a History in sippets; the English Iliads in a nutshell. The apocryphal Parliament's Book of *Maccabees* in single sheets . . . It begins usually with an Ordinance, which is a law still-born."³¹ Cleveland's allusion to single sheets is interesting. When we find separate news-letters we find them on single sheets, folded or twice folded and addressed on the back, usually to someone in the country.

Cleveland says in another place of the *Diurnal Maker*: "Such an Historian would hardly pass muster with a Scotch Stationer, in a Sieve-full of Ballads and godly Books . . . Writing is a disease in him, and holds like a Quotidian; so 'tis his infirmity that makes him an author."³² It is evident enough that the man who put together the proceedings of parliament was a man of no position and was not taken seriously.

Williams believes that he is able to identify this stationer as one Samuel Pecke.³³ An examination of the original pamphlets which Williams quotes for his conclusion does not verify it. It only establishes the fact that Pecke was a stationer who wrote parliamentary proceedings.³⁴ Perhaps Williams' proof comes from another source which he has not cited at this point. It matters little who wrote the news-letters. The point is that they were made by stationers, made to sell, made by people without first-hand and intelligently gathered information.

This discussion of the origin of separates and news-letters has necessarily been of such an argumentative character that it has not been possible at the same time clearly to present the evolution of the business of reporting parliamentary news in a proper chronological sequence. At the risk of some repetition, and by way of summing up, we shall trace that evolution.

It will be recalled that the leakage of parliamentary news appears to have begun soon after the beginning of a party in opposition to the King,

³¹ *Works*, 83, 84.

³² *Ibid.*, 79, 80.

³³ *History of English Journalism*, 37.

³⁴ We do know that in February 1643 he was committed for printing and publishing a book entitled *A Continuation of Passages for the last Week. Hist. MSS Comn.* V, 70. But is the author of the *Continuation of Passages* the same as that of *Diurnall Occurrences*?

that is during the reign of Elizabeth. At that time we find the dissemination of set speeches and also of fragments of information in talk and written notes. It was in a time when people in the country could receive only such news as their friends at Westminster took time to write them. With the rise of this party of opposition the demand for news increased and the correspondence of the members of parliament must have become a real burden. Scriveners were probably employed to copy speeches in the possession of members, and then one of these, more enterprising than the rest, must have conceived the idea of getting hold of such speeches himself, making copies in advance and offering them for sale. Such promptness would please the members, who would soon give up the older method.

Out of this production of separates by the scriveners there developed a particular kind of separate of which we have not spoken yet and the interest in which is chiefly that it forms a connecting link between the separate and the news-letter. This separate consists of a group of short speeches all bearing on the same subject and showing by its title that the group made up a single separate. A good example of such a separate is to be found in *Ephemeris Parliamentaria* under the title *Debates concerning the Kings propositions*.³⁵ In this effort to send out as separates a group of speeches we can detect the beginning of the news-letter. There has been an advance in the business of preparing information for the public. No doubt the news was obtained in the same way, through the conversation or notes of private members. There is no reason to suppose that the fully evolved news-letter was drawn from or depended upon more sources of intelligence. The stationers were merely becoming more skilful in making use of what they found out and in presenting it to the public.

At each step in the advance of the stationer's art we can see his production supplanting that of the private member. The dawn of the separates marks the abridgement of both letters and private diaries. We have already seen to what extent those who kept diaries inserted the set speeches instead of taking notes. And, on the other hand, as we shall see in discussing compilations, there was a need felt by those who were depending entirely upon what separates they could obtain for a permanent record of the proceedings of parliament. It was met at first by individuals attempting to link up the separates themselves; this was what Walter Yonge did. The enterprising stationer could not long remain blind to this new demand.³⁶ The news-letter was a natural development from the separate.

³⁵ 138-39.

³⁶ In *A Perfect Diurnall of Passages in the late Memorable Parliament begun the 13 of April 1640*, a unique news-letter published in 1649 at the end of a newspaper of that year and obviously printed from a manuscript news-letter of the Short Parliament, the anonymous editor says: "This worke (as in part already promised) we have undertaken at the request and importunity of some Gentlemen to reduce to memory the passages of things both before and since the beginnings of late wars, which have not hitherto been so exactly committed to the publique."

Diurnall Occurrences marks the culmination in the development of news-letters. But it has an even greater importance, as J. B. Williams has pointed out in his *History of English Journalism*, in its relation to domestic newspapers. This is not the time or place to deal with the origin of newspapers, but we hope at a future time to discuss at some length the relation of the parliamentary news-letter to the first English newspapers and to show that this was an important connection. We have seen that *Diurnall Occurrences* in print was the successor of *Diurnall Occurrences* in manuscript news-letter. But *Diurnall Occurrences* in print was the predecessor of other weeklies which gave parliamentary news and gradually branched out into giving general news.

If this be true, the statements we have made as to the development of the unprinted news-letter are important in the history of the English newspaper. We have noticed that the *Diurnall Occurrences* was not only the first of domestic newspapers but the last in a series of parliamentary news-letters, news-letters that had been issued since 1628. These news-letters, then, unprinted as serials until 1642, not printed at all until 1641, go back nearly as far as the corantoës. May one not say that they are almost as significant in the origin of English journalism as the corantoës? May one possibly say that the English newspaper has one of its origins in the custom, in use as early as 1628, of sending out résumés of parliamentary news in manuscript form?

One would need to know more about the other news-letters that were sent out, the news-letters for example that Ben Jonson tells us of in the passage already cited. So few such news-letters have been preserved that one might well question their periodicity. They constitute a subject, however, which may well be studied by the historian of the early newspaper. In the meantime we may suspect that, if the corantoës were the direct ancestors, the parliamentary news-letters were the collateral ancestors of the English newspaper.

What is the relation of this account to what Williams has to say in his writings on English journalism? Williams devotes himself wholly to the early newspaper. We have attempted to tell the history of the earlier parliamentary news-letter, its predecessor, to tell it not as part of the history of the newspaper,—although it is really that—but as part of the account and criticism of parliamentary sources for the early Stuart period. Williams tells us of the printed *Diurnall Occurrences* as the first of domestic newspapers, of those papers which succeeded the corantoës. He was dealing only with printed materials, and he did not indicate that the first of newspapers was issued as a news-letter before it was printed, that it was the last in a series of parliamentary news-letters that had been issued for several parliaments, that the people who were later to put out the first newspapers had been busy earlier in putting out news-letters of much

the same sort. It has been the task of this chapter to trace the growth and estimate the importance and value of the parliamentary news-letter. In order to do that it has been necessary to take apart the anonymous and mysterious parliamentary compilations to be found in so many folios in the British Museum and in private repositories, compilations which in manuscript, and occasionally in later printed editions, have been a standard source, and to resolve them into their parts, to show that they were merely accretions of news-letters and separates, put out by irresponsible stationers, put out regularly for several years before those stationers embarked upon the newspaper business.

To the historian the matter is important in determining the real value of those compilations. They are the sum total of news-letters, nothing more. They have of course their real value, but must never be relied upon too implicitly. They must not be treated as rare and important parliamentary manuscripts, but as the hurried work of newsmongers.

CHAPTER V

PARLIAMENTARY COMPILATIONS

Separates were too much esteemed to be thrown away. People interested in parliament were likely to preserve sets of them and at length to bind them into a folio volume of manuscripts for a single session or for several sessions of parliament. They were likely, too, to gather news-letters and sometimes to combine the separates and news-letters for a parliament. Such a volume we may call a *Parliamentary Collection*. There are scores of them in the British Museum.

Such Parliamentary Collections were no doubt in demand, were frequently loaned and often copied by the borrower. The scribes and stationers who produced the parts out of which the collection had grown probably began to realise that they could produce the wholes. When they did so, when they gathered separates and news-letters into a consecutive account of a session of parliament or of the Commons, when they copied and recopied this consecutive account and sold it, it became a kind of standard account. Such a product we may call a *Parliamentary Compilation*. Parliamentary Compilations exist in many copies in the British Museum and in country houses all over England.

It is possibly worth while to give a brief history of these collections and compilations. That history is at best no more than an imperfect sketch. To ransack all the parliamentary collections in the British Museum and in country houses merely to find out the different ways at different times in which separates and news-letters were combined would be a dreary task and one that would not yield returns commensurate with the effort. Such a narrative as we here present is based solely upon the information picked up in connection with the examination of separates and news-letters as forms of parliamentary sources.

There are Parliamentary Collections for the parliaments of Elizabeth, brief ones, but it may be doubted whether they were made at the time or by eighteenth-century antiquarians. In Harleian manuscript 2185 there is a group of speeches, mostly those of the Lord Keeper and of the Speaker. In the same volume are the titles of such bills as were rejected and a short journal of a few days in Elizabeth's first parliament. In Harleian manuscript 6846 there is another set of speeches, not only those of the Lord Keeper, but many by Sir Walter Mildmay. This collection was however probably made by Sir Robert Cotton more than a half century afterwards. We may be sure that had there been such things as real Parliamentary Collections of any size in Elizabeth's reign Sir Simonds D'Ewes would have had his hands on them. He used only the *Commons Journals*, private diaries and such separates as he himself could gather in.

For the session of 1606 there is to be found in Harleian manuscript 6842 a group of speeches on the union with Scotland. They are all written in a single hand that belongs to a later period, hence giving no clue as to when the collection was made. But it seems probable that it was one of Humphrey Wanley's accumulations in the eighteenth century. For the session of 1610 we are on surer ground. Harleian manuscript 777 is a group of separates, petitions, etc., written in a single hand. We know also of a group of separates which an Englishman abroad circulated among his friends.¹ For the Parliament of 1614 we know of no collection, except the very specialized one of "His Majesties speeches in Parliament pronounced at sundry times Anno 1614."² For the Parliament of 1620-21 there is a journal written much as the clerk of the time wrote his account, with a record of acts, readings, and careful brief abstracts of speeches. So much is this like a Journal of the Commons that it has been so classified in the British Museum and is to be found there as Harleian manuscripts 7207-7208, two thick folios giving quite as full an account of that interesting parliament as does Sir Edward Nicholas's well-known *Debates and Proceedings*. Another copy of this manuscript is to be found among the Petyt manuscripts in the Inner Temple. Still another copy or part of it, the part devoted to debates on freedom of speech, is to be found in Lansdowne manuscript 514. Its character, so much more finished than the ordinary private diary, and the multiplicity of the copies, almost give ground for classifying it as a compilation. Yet it was obviously the work of one man, a man who sympathized strongly with the parliamentary party, and who occasionally records his own comings and goings and committee assignments. We shall not be far wrong if we call it a private diary written to distribute.³ Whether the stationers did the distributing we cannot say. For the session beginning in June, 1625, that adjourned to Oxford in August, there are partial collections.⁴

There are several parliamentary collections for 1626, but nothing that could be called a compilation. There is Walter Yonge's considerable volume of separates interspersed with what is probably his own brief narrative of events, largely a comment. In Harleian manuscript 161 there are some of the same separates and some others. Still another collection of separates is to be found in Rawlinson manuscript C. 674. Moreover it is evident that the eighteenth century compiler of the old *Parliamentary History* used a group of separates different from any of these mentioned. With the session of 1628 we have both Parliamentary

¹ A Collection for 1610 is to be found in Cottonian MSS 569, Titus, F. IV. 14. ff. 112-33.

² Ashmolean MSS (Bodleian) 800, ff. 115-25.

³ There is a short collection of parliamentary materials for this session in Rawl. MSS (Bodleian) B. 151.

⁴ Harl. MSS 5007., Sloane MSS 1710, ff. 279-305 verso. Several other collections catalogued we have not seen.

Collections and Compilations. The collection of legal arguments and of speeches which is to be found in print as Thomas Fuller's *Ephemeris Parliamentaria* exists in many contemporary manuscripts, with considerable differences of course as to the speeches inserted. In other words, many people saved their separates, saved much the same separates, and bound them together.

But there is something different. There is a real Parliamentary Compilation for this session. There is a standard consecutive account following the course of events from day to day, putting the whole together, a complete unified narrative of the Commons. Part of one copy is in the Museum, another copy found its way probably with the Pilgrims to Massachusetts and is in the Massachusetts Historical Society's library, a third copy is in the Inner Temple, and a fourth, signed by a parliamentary character of the time, is in the Bodleian. Other copies are to be found in private collections.

The *True Relation* was of course the Parliamentary Compilation for 1629. We need not discuss it again save to say that it was a most perfect compilation in this respect that it put together two sets of news-letters as well as the separates.

For the Short Parliament there is one collection in the British Museum that seems to be a genuine compilation, made probably by the same hands that made the *Diurnall Occurrences* for the Long Parliament.⁵

With the Long Parliament the work of compilation has become more important than ever before. There was more demand for manuscript records. The scriveners and stationers found it worth while to split the compilations which they would naturally have made into two collections. They gathered the separates into one folio, which was widely distributed in manuscript copies and eventually printed as *Speeches and Passages*. They gathered the news-letters into another standard collection which was known as *Diurnall Occurrences*, or sometimes as the Heads of the Proceedings. There are scores of copies of this manuscript folio to be found today.⁶ Near the end of the year 1641 this folio was also printed. But there were many variants of these two standard collections, indeed there is an almost infinite variety that is far from pleasing to the student. One folio in the British Museum has many additional sentences and even additional paragraphs not to be found in the regular *Diurnall Occurrences*.⁷

⁵ See footnotes 8 and 9 on page xliv in the chapter on news-letters, paragraph dealing with the Short Parliament.

⁶ No doubt private collectors of news-letters for the Long Parliament compiled some of the sets of news-letters themselves. Not all the collections of *Diurnall Occurrences* for the first year of that parliament were made by scriveners and stationers.

⁷ Add. MSS 33, 468. f. 33-34. See also Add. MSS 36, 829., Sloane MSS 3317., Add. MSS 6521.

Other collections appear to be a combination of the standard set of news-letters with other and quite different news-letters,⁸ often with the first person inserted, as if the sender were fusing into one narrative the standard news-letter and his own story.

We do not know of such compilations after 1641. The Long Parliament had been much distressed by the activities of the stationers in its first year and eventually took pains to get the reporting of news under its control. The men who managed the Long Parliament grasped fully the necessity of using the news as a means of propaganda, they were little behind our modern politicians in that respect. Separates and news-letters disappear and in their place are authorized speeches printed with the imprimatur of the clerk and Parliamentary Proceedings issued as a semi-official publication, the forerunner of Mr. George Creel's Bulletin.

Today the collections and compilations for James I and Charles I are widely distributed in Britain, particularly among the descendants of the old "Country Party," most of them Tory peers today. The descendants of Eliot, Digges, Knightley, Grosvenor, Pym, etc., possess many Parliamentary Collections and Compilations and are generous in giving access to historians. Most of these manuscripts, however, are but variant texts in seventeenth-century writing of the separates and news-letters we have been discussing.

As source material the compilations are of even less value than their component parts. There has been more chance for errors to creep in, errors in order, in phrase and word. As we have indicated in the description of the *True Relation* for 1629 the greatest inaccuracy is in respect to the order of speeches and events recorded. This was due of course almost altogether to the compilers. The work of compiling was undoubtedly done after the close of the session. Whether immediately after or whether there was a lapse of months or even years, it is impossible to say. The effect on the compilation of the lapse of time would be inconsiderable, for it was done by outsiders who at no time had the additional information necessary for an intelligent organization of the materials at their hand. Order with them was largely a matter of guess work; it was hardly to be expected that they would all guess alike.

But the compilations erred in more than order. Copying was done by careless hands who left out words, lines, and paragraphs, who changed phrases and sentences. The differences between different manuscripts of the same compilation are many and important.

The mistakes of the stationers are likely to lead the historian astray. A scrivener who failed to note in the margin the name of the speaker in

⁸ E. g. Sloane MSS 1467.

the Commons who followed Sir Thomas Wentworth one day in 1628 made Wentworth talk in a fashion strangely royalist for him at that time. Here, said Gardiner, is where Wentworth began to go over to the King. It was an easy mistake and Gardiner deserves little blame.

The Parliamentary Compilations written in contemporary hand, giving a full narrative, have hitherto been used as standard accounts. Once in a long while Gardiner found something in them inconsistent with the *Commons Journals*, but otherwise was not critical of them. We cannot of course eliminate them from our sources, but we must be much more cautious in depending upon them.

CHAPTER VI

PRIVATE DIARIES

From the accounts of anonymous scriveners we turn to private diaries. The men of 1629 were fortunate when they had Sir Edward Nicholas and Sir Richard Grosvenor to record their speeches for posterity. Even Lowther is useful in filling in gaps in thought and sequence.

The notes which Sir Edward Nicholas took of the session of the Commons in 1629 were those of a member of the Court Party. From his first entry into parliament in 1620, and even before that, he had been a servant of the Court. At that time he was already Secretary to the Lord Warden and Admiral of the Cinque Ports. In 1624 he became Secretary to the Lord High Admiral of England, and performed much of the business of that office, which was left to him by Buckingham. In 1625 he was promoted to the office of Secretary of the Admiralty and in the next year became clerk extraordinary to the Privy Council. As member of the House of Commons, this clear-headed man of business, who might have taken an important part in the parliamentary affairs, chose not to make speeches, or play any public rôle. It is a good guess that he was chiefly a scout for the government. The Record Office contains speeches at various times by various members written out in Nicholas's hand, or written in other hands with corrections in that of Nicholas. From his admission to the Commons he made a practice of taking notes, and the very fact that most of those notes are to be found among the official materials today is significant as to their purpose. In the Parliament of 1620-21, he kept an elaborate book of notes. Those notes were preserved and published in 1751 as "Proceedings and Debates in the House of Commons. 1620-21." They were published anonymously, and it was the historian Gardiner who was able by a comparison of them with some Nicholas Notes in the Record Office to establish Nicholas's authorship. These notes for that session are very elaborate. They cover each day of a long session and record a large number of speeches. Nicholas, of course, did not get every word, but he got the gist of things, the very complete gist of what was said, and probably transcribed it from his jottings into a minute-book, where he put it down in good form. It is the standard source for the Parliament of 1620-21, and it is hardly likely to be superseded. In the Parliament of 1624 Nicholas again took notes, at least for part of the session. Those notes the editors have not seen. The notes for the debates for the session of 1628 have been rotographed for the University of Minnesota. They run from the beginning of the session to its end, and, if printed, would constitute a small volume of 150 pages perhaps. They offer some information not to be found elsewhere about the session of 1628, and Gardiner

made some use of them. They are, however, at the best, brief notes, as compared with those made in 1620-21. Nicholas was more used to the ways of parliament and did not exert himself to get down the whole of a speech. He liked to take notes from about the middle of a speech, where the speaker seemed to be approaching his main point. He was skilful in compressing into a few sentences the substance of a long and labored oration. Sometimes he was so skilful that brief phrases which would no doubt have recalled the debate to his own memory are quite unintelligible to the student today, except when they are interpreted by other minutes. Not only did he not take pains to write down all of a speech, but he left out many speeches. Speeches of obscure country members, and speeches that did not seem to him to contribute to the total debate, were left unrecorded. Once or twice indeed he lumped together several speeches on the same subject for a series of days, without taking the trouble to give the names of the speakers. He was obviously not interested in making a history of parliament, as Simonds D'Ewes might have been; rather he was "getting up" the points of view to be met with in the Commons, presumably that the Court party might be well informed.

The same may be said of the notes for the session of 1629 with which we have here to deal, save that they were more careless than those for 1628. Nicholas almost habitually came late, after the debate had been going on for awhile, and he made no effort, as D'Ewes would have done, to record what happened before he came in. He put down the points made by the leading speakers, though often so briefly that without other minutes it would be next to impossible to interpret them. His incompleteness often makes him very confusing. He had a way of putting under one man's speech not only that speech, but several others that followed. About dramatic speeches or events in parliament he cared not a whit. In one unemotional sentence he puts the holding down of the speaker on March 2, 1629—a never-to-be-forgotten incident. Some of the most interesting discussions that occurred in the Commons he leaves out entirely. He did nevertheless record much that we have not elsewhere, or would not have, were it not for Grosvenor. And in many instances he has stated matters so much better than Grosvenor that he has served to throw light on Grosvenor's larger body of details. Contrary to what one would expect, he was not particularly partisan in his selection of what to record. Men like Eliot and Pym received their share of attention from him, while men who were seeking favor with the Court were sometimes left quite out of his notes. But there is evidence, nevertheless, that he was writing for the King's eye. It looks indeed as if he were endeavoring to make the Commons seem more conciliatory to the Sovereign than they really were. On February 26, he closes his account of the debate on subsidies with the

remark: "The business is left without question with an inclination that we shall speedily fall into consideration of the heades and pointes of a Bill of Tonage and Poundage." Such an inclination it is impossible to discover from other accounts or from succeeding events. On January 28 when the Commons were framing the heads of an answer to the message of the King, Nicholas's version of those heads made them much more favorable to the Sovereign and much more gracious in tone than they really were.

Nicholas for 1629 has been used by Gardiner. We do not know of any other historical student who has made use of his materials for that year or for 1628.

And it may be doubted whether Gardiner made as much use of the notes as he might well have done, considering the scantiness of materials at his disposal. Far be it from the editors to discount Gardiner's pains and yet it has seemed as if that great historian overlooked some of the points in Nicholas which he found particularly hard to read. It would not be surprising, for Nicholas is very difficult. Elsewhere we have given a picture of a sample page. It will be seen that Nicholas wrote as the speeches were going on, that he wrote in a combination of long-hand and shorthand that was peculiarly baffling, particularly the long-hand. Had the notes not been so useful the editors would have hesitated long before undertaking their transcription. But in the words of Thomas Fuller, "The history of the Parliament . . . is fundamental to the history of our times."

Like Nicholas, Sir Richard Grosvenor began his parliamentary career in 1620. His attendance from that time was not however continuous, for he was not returned again until the session of 1625-26. He was a man of importance in his own county of Cheshire, having succeeded his father as sheriff in 1619 and been returned to parliament each time from the county. In parliament, though we do not often find any record of speeches by him, he was frequently found as a member of important committees. Whether, like Nicholas, Grosvenor in his first session began taking notes of the proceedings in the House of Commons, we do not know. We have his notes only for the third Parliament of Charles. For the first session he filled five books of the size of the one containing his notes of the session from January 23 to March 2, 1629. But these had strayed so far from the possessions of the writer before reaching their final resting place in the library of Trinity College, Dublin, that we may well hope that notes on the earlier parliaments may turn up somewhere else. It was in keeping with Grosvenor's character that he should take notes from the first.

It was also in keeping with his character that Grosvenor should take the kind of notes that he did. The little that we know of him shows him to have been a simple soul easily taken advantage of by those more wily than himself, in commercial matters more concerned as to winning advantage for his own locality than as to carrying out a national policy of

mercantilism. It is not surprising that his notes show a man wanting insight and discernment. They reveal little selection of material, rather an effort as far as possible to get the exact words of the speaker without much thought of their significance. But on the other hand he was diligent and painstaking. It was this that made him a good committee man. It is well illustrated by his report in the Committee on Religion on February 13; not one point is missing there from what had previously been discussed. It is this characteristic which gives the chief value to his notes. The fact that he tried to get down everything that he could regardless of his own special interests makes it possible to get from his notes a sense of proportion to be found nowhere else. Unfortunately it had also the effect of making the notes very dreary reading, the dullness of a narrative which has no particular point or reason for being told. It is not only we who feel this but the men of his own time. Nicholas gives us a little glimpse into how they must have sat back resigned in their seats when he rose to make one of his lengthy reports. On such a report in 1621 which the printed *Commons Journals* give at some length Nicholas makes only this comment: "Sir Richard Grosvenor here out of his Papers read us a large lecture."¹

That for filling in the gaps in the other accounts the notes of Grosvenor are invaluable is surely apparent. That those for the session of 1629 have not been used by any writer yet in print means that there is yet much about that session to be told. Their reproduction in this book the editors feel is their most valuable contribution to the source material of this period.

Lowther's account of the Commons Debates for 1629 we have not included here because it is printed by the *Historical Manuscripts Commission*.² The notes are brief. Lowther has written nothing for February 4 to 7 nor for February 10 to 11. Not only so, but his narrative becomes briefer after January 30.

Lowther was evidently not very regular in his attendance but was careful to fill in from such materials as he could get his hands upon. The editor of the Notes in the *Historical Manuscripts Commission* says "The second note-book (he has been talking of the notes for 1628) . . . is written with greater neatness and regularity, and is probably compiled from memory or from rougher notes made during the debates." Those notes we may add are of much less value than those of either Nicholas or Grosvenor. But they do add details now and then and we have been at pains to give in our footnotes to Grosvenor and Nicholas such extracts from Lowther as would offer additional or explanatory fact.

The diaries and letters of this session which we have printed were all written at the time or immediately after the day's events by members of the House of Commons. These might be supplemented by many diaries

¹ *Proceedings and Debates*. 1620-21, 2: 219.

² *Hist. MSS Comn.* xiii, pt. 7, *Lonsdale MSS*, 58-74.

and letters from men who got their information second-hand. Under this head must be included not only private letters but those by ambassadors to their home governments. But the new facts that these add are exceedingly few. Their value lies first of all in the point of view of the writer which they reveal, and second in the evidence they give as to the amount of information that was leaking out and the way it was being transmitted. Among the most important of the diaries is that kept by Walter Yonge.³ He mentions in one place that he had received his information from Mr. Pym. What additional facts he gives have been made use of in the footnotes. The Salvetti correspondence has been omitted only because it is already in print. It is even more detailed than that of Contarini, also now in print. Among the Roman Transcripts in the Record Office⁴ there is a document called "News culled from recent letters from London, March 1629," which contains a brief account of the events of March 2. Another account of that day's proceedings preserved in manuscript is a letter from Robert Dixon to his son-in-law.⁵

³ Add. MSS 35, 331.

⁴ Gen'l. Ser. I, 91. vol. 347. p. 43.

⁵ Add. MSS 34, 727, f. 51.

CHAPTER VII

THE ACCOUNT OF MARCH SECOND

In the State Paper Office are two manuscript copies of an account of the events in the Commons on March 2, 1629.¹ Neither the date nor any clue to the author is given. What we can be reasonably sure of is that the account was written immediately after the House adjourned and from rather full notes taken on the speeches during their delivery. What was the manuscript? Where did it come from?

A clue to that is to be found, curiously enough, in Sir John Bramston's Autobiography. That worthy if rather dull judge gives an account of the meeting of the Privy Council on March 3, as "reported by Sir N[icholas] Hyde," then Lord Chief Justice of the King's Bench, under his own hand. At this meeting, he says, a "declaration was read of the speeches used and the behaviour of divers of the members of the Commons House the day before," which being done, the King commanded the said Judges (who had been ordered to attend) to meet and answer such questions as should be proposed to them by his Attorney.² Now it would seem altogether likely that the "declaracion" would have been identical with that made use of by the King's Attorney in his Information in the Star Chamber against Eliot, Holles, Valentine Long, Coryton, Strode, Selden, Hobart and Hayman for their part in the proceedings of March 2.³ But the declaration read in that prosecution was identical with the March Second manuscripts, if we may judge from the fact that the direct quotations from speeches used in that declaration are to be found word for word in the speeches used in the March Second narrative. Therefore the March Second narrative is almost certainly a narrative prepared for the use of the Judges.

Of the two copies of the March Second narrative the second⁴ is written in two handwritings, and the latter part of it was obviously written in a great hurry (probably each of the judges wished a copy of his own). It is very significant of the purpose of the account that the speech by Weston, son of the Lord High Treasurer, is made very brief, but the speeches by the Opposition, the speeches that were to be used as evidence, are given in detail. The same may be said of the narrative part, where the story of the seditious proceedings was told.

The narrative was probably written afterwards, but from very full notes of the speeches taken at the time. An indication of this is to be found in a comparison of Eliot's long speech as recorded in the March Second

¹ *St. P. Dom. Car. I.* vol. 138, nos. 6 and 7.

² *The Autobiography of Sir John Bramston*, K. B. (Camden Soc.) 49.

³ Rushworth, *Collections* 1:665-70.

⁴ No. 7.

narrative with a copy among his own notes at Port Eliot. This does not mean that Eliot wrote the speech in the form we have it in the March Second account. It means merely that whoever did write the speech got it very exactly as to wording, a thing possible only if he had taken notes at the time.

The man who wrote the account was undoubtedly a supporter of the King. Perhaps it was young Weston, who made a speech which the account reports at great length, a speech that was really unimportant and which was entirely omitted by both Nicholas and the *True Relation*.

A¹ TRUE² RELATION³ OF EVERY DAYS⁴ PROCEEDINGS⁵ IN⁶
 PARLIAMENT⁷ SINCE⁸ THE⁹ BEGINNING THEREOF¹⁰
 BEING¹¹ THE 20TH OF JANUARY¹² 1628¹³

[In editing the True Relation, we have tried to do two things, to make the text as complete as possible, and to free it from all errors of copyists. To make the text as complete as possible was not at all the same as to reproduce an original. In doing that, one must in each particular incident weigh the evidence as to whether the particular word, phrase, sentence, or paragraph found only in some of the copies, has been added in those or omitted from others. By the very nature of the True Relation every accretion is an integral part of the whole. Yet this principle could not be carried to absurd lengths. From the ¹⁴text have been omitted additional materials

¹ The. X5; F1. See key to abbreviations p. 274-75.

An exact and. Ψ10,11.

² Diurnal. F1.

and perfect, added. Ψ4.

³ Occurrences. F1.

or Journal, added. F7,9.

⁴ of the. X1; Ψ2,4,5.

of all the. X5,6.

of some part of most days. Ψ7.

⁵ passage. X10.

of the last sitting, added. Ψ6.

⁶ the, added. X15; F2-4; Φ4.

the last session of, added. X1,3.

of the last Session of. X14.

⁷ in the House of Commons, added. F7,9.

together with the long speeches, added. X10.

holden at Westminster, added. Ψ11.

⁸ from. X10; F7,9.

⁹ first, added. X15.

last session, added. X5.

¹⁰ of the last meeting. Ψ7.

of this Session, and what was spoken by every man. Φ1.

¹¹ on, added. X15; Ψ6.

Tuesday, added. X15; F1,7,9,10.

¹² Anno Domini, added. Ψ5.

holden in the fourth year of King Charles Anno Domini. X1.

¹³ until the dissolution thereof, added. X3,5.

when it began till the 10th of March 1628 when it broke up, added. X10.

in the 4th year of the Reign of King Charles unto the 10th of March in the same year when the said Parliament was dissolved. F7,9.

which ended the tenth of March Anno Dom. 1628. F1.

dissolved the 10th March 1628. X14.

The Proceedings, or a Journal of the passages in the Second Session of Parliament holden at Westminster in the fourth year of the reign of our most gracious Sovereign Lord Charles, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith etc., begun the 20th of January and ended the 10th of March then next ensuing Anno Domini 1628. X2; Ψ3.

Parliament from 20 January 1628 to 2d March when it broke up. X9.

The Second Session of the Parliament holden at Westminster beginning on the 20th of January in the 4th year of the reign of our Sovereign Lord King Charles and ending the 10th of March following Anno Domini 1628. X4,7.

A compendious relation of the proceedings in Parliament holden by prorogation at Westminster the 20th day of January 1628 and there continued until the 10th of March then following. Ψ8-10.

found only in one copy, or known absolutely to be incorrect. Such materials have been relegated to the footnotes.

There is another problem in connection with the making of a complete text; no one copy could be used as a basis; it was necessary to build up without even a framework upon which to begin. An examination in the appendix of order and omissions will show how we tried to make a complete whole so far as speeches and paragraphs were concerned. It may be well to illustrate the way in which we built up the single speech. Noy's speech on February 12, is not an unusual case; yet there is not a single copy of that speech which gives it as it is presented in the text. *And other records* is omitted in X1,5,6; *to this* in Ψ3,5; *to this until . . . confirmation* in Ψ1; *be declared* in Φ2,3; *and a declaration* in Ψ1; *but a confirmation* in Ψ2,3,5; *such a declaration in the bill* in X; *for us to give it* in Γ1 and Φ2; *If it will not . . . cannot help it* in Φ3; *and it seemeth to be* in Ψ2-12, Γ, Φ1-3.

Editing the text was, however, much more than a process of building up. There was the constant necessity of making a choice between the different copies. The differences in them are much greater than those to be found in a piece of literature. There is not only the problem of slavish and unthinking copyists, but the problem of editors who transposed with the greatest freedom. Sometimes indeed the changes made by the editors greatly improved the text. For example compare the text of Secretary Coke's speech as given on page 70 . . . with the following: *That a Minister of State, which is said to be himself, having notice of these ten; and this college intended to be kept at Clerkenwell. That it is plain there was a place appointed for this college, and orders and relics prepared: This Minister made the King acquainted with it . . .* This was probably the original and is given in all the copies except those of the X group, the group which shows the most editing.

But the changes were not only in order, there was great freedom in the use of articles, conjunctions, pronouns and verb tenses. These variations made by the seventeenth century editors rarely affected the sense. The same can not be said of the variations due to careless copying. It is these that reveal the untrustworthiness of any one manuscript. The most common error is that of omissions. Noy's speech, already adverted to, shows how much more complete is the sense after the lost phrases are restored. Very often omissions were the result of the repetition of a prominent word or phrase and the copyist's failure to observe the fact that it was written twice. For example, on page 12 all between *enemies countries* and the repetition of the same two words is omitted in all but one of the copies belonging to the Ψ group. Another kind of error arose from the effort to fill up omissions. An illustration of this is to be found in Marten's report (page 55 note 31). The phrase *is not good* was lost. One copyist supplied *needless*, another *difficult*. It is obvious that each was merely guessing. Again in Kirton's speech of February 21 *the warrants may beread* was carelessly omitted. One copyist left the speech that way; another, realizing that something was wrong, changed the *that* which immediately followed the phrase to *let*. He made sense of what was nonsense but in doing so, changed the thought. Another instance in point is to be found in connection with the effort to supply the name of the speaker. For this case see page 64.

The meaning has often been changed through an omission followed by a change in punctuation. On page 76 Sir Francis Seymour's speech ends *to Mr. Long*. In all manuscripts of the Γ group, the speech ends with the word *weight*, omitting this phrase, and the next speech begins *Mr. Long Cross the . . .* The X group probably followed a manuscript belonging to this group, but in order to clear up the meaning gave the reading *Mr. Long said that Cross . . .* Another instance is to be found in Phelps's speech on page 7 which reads: *all we shall do shall conduce to a happy*

conclusion, and to the kings honour and our own safety. Great and weighty grievances wound deep. We may imagine, assuming that this is the true reading, that the first step in the change was the loss of the word *safety*. This word is omitted in all of the Γ group except $\Gamma 2, 7, 8$; in all of the X group; and in all of the Ψ group except $\Psi 1$. With the exception of $\Psi 6$ this group has been filled in with other words, *content*, *contentment*, and *good* (see page 7, note 3). The next step was to drop *and* and begin the next sentence with the words *Our own*. This has been done in the separate Harl. 2217, in the X group, and in $\Gamma 5, 11$. One manuscript has combined the two readings, *our own safety, our own great . . .* $\Gamma 2$ and 7 have even a different punctuation, finishing the first sentence: *and our own weighty affairs*, and beginning the next: *But these things . . .*

The errors in the True Relation reading are not, however, confined to omissions and additions. There is also disagreement among the manuscripts. The most common contradictions are due to a combination of poor writing and ignorance upon the part of the copyists, so that we have words similar in form but utterly different in meaning as *wound* and *word*, *lives* and *laws*, *mean* and *went*, *professed* and *pressed*. This confusion becomes more serious when it involves proper names, as the confusion between *Winchester* and *Chichester*, *Shervile* and *Sherland*. Another cause of difference was due to the use of abbreviations. *Middlesex* and *Middleborough* were both expanded from *Midd*.

It will be evident that necessary compromises due to the multitude of variations in the copies could not but affect the character of the finished product. That has less of the flavor of the True Relation, less even of the seventeenth century than any one copy. This is because we have been forced to use arbitrary rules. One of the outstanding characteristics of the True Relation is its inaccuracy in dates and the order of proceedings. When the copies agree, this characteristic could be preserved; but when they were at variance, and only a few of them followed what the private diaries show to be the true order, these copies have been followed. The result is of course a text much more accurate than any one copy.

Another characteristic feature that could not be preserved is the spelling. The several copies show what was the most marked peculiarity of the spelling in that day, lack of uniformity. Since no one manuscript could be followed, and since there was no standard spelling for the period, the only alternative was to adopt modern spelling. And the same necessity holds as to capitalization. The manuscripts vary from those which capitalize every noun to those almost modern. Not only in the text but in footnotes, even where only one manuscript is quoted, we have modernized spelling and capitalization.

In punctuation it was found possible to keep to the seventeenth century usage of few periods and colons and numerous commas. To keep to the same usage there has been no use of quotation marks or the sign of the possessive, even where it was necessary to retain the old spelling *majesties*. In nothing else have the various manuscripts shown so much carelessness as in punctuation.

In the matter of notes, we have sought to reduce the number as much as possible. If every variant reading had been given, the number of notes would have been so great that those which show a difference in sense would have been lost in the mass. For this reason we determined to omit all notes whose only service would be to show the worth of particular manuscripts. Under this head are included all copyists' errors, omissions, differences in the order of words in the sentences, differences in tense—in fact any differences which did not really change the sense. We retained in the footnotes only variant readings that affected the sense, and such additions as were to be found only in one copy.

To read the notes intelligently, the student must keep in mind just what manuscripts were collated for that particular speech. By consulting the Appendix the reader can from the outline see what copies contained the speech in question; by consulting the table showing to what extent manuscripts were collated, he can tell what copies to omit from this list. It will be recalled that the object in collating the copies was twofold, not only to get the best text, but also to ascertain the relation of the copies to one another. Hence when it was found that differences within speeches were of no help in classification, some manuscripts were not collated so carefully.]

TUESDAY THE 20TH OF JANUARY

Upon Tuesday, being the first day of the Parliament,¹ nothing was done, but only the settling of the Committees.^a

WEDNESDAY THE 21ST OF JANUARY

It¹ was ordered a Committee should be appointed to examine what innovation² hath been made upon the liberty of the subject against the Petition of Right since the end of the last Session of Parliament.^a

And it was also ordered^b that day that Mr. Selden and others should see if the Petition of Right, and his Majesties Answer thereunto, were enrolled in the Parliament Rolls and in the Courts at Westminster, as his Majesty sent them word the last Session they should be; and also in what manner they were entered;³ which was done accordingly.

MR. SELDEN made report to the House that his Majesties speech made the last day of the last Session⁴ in the upper House is also entered by his Majesties command.

MR. PYM hereupon moved that the debate hereof should be deferred

JANUARY 20.

¹ *the first meeting of the House.* F9.

the House met but, added. X9.

after prayers were ended, added. X5.

^a For other business see C.J. 1:920, also Lowther's diary in Lonsdale MSS (Hist. MSS Comm. 13th Report. App. vii pp. 58-59). Such omissions are merely an indication of the way in which the True Relation kept to the main issues before the House.

JANUARY 21.

¹ *The order of the House of Commons.* 1j. 22.

² *invasion.* X1,9,10,12.

³ *altered.* X11,15.

enrolled. X3.

in the Rolls, added. X1.

⁴ *Parliament.* Ψ; X1,4,5,10; F1,5,6,10,11.

of Parliament, added. X3.

^a This statement is misleading. Selden only moved that a special committee be appointed. The motion followed his report. For the order of events on this day, Lowther is a much better authority (See p. 6 note c.), than the True Relation. This was a separate put in at random.

^b This order was made upon Selden's motion.

till Tuesday⁵ next, by reason⁶ of the fewness of the House, many being not then come.

SIR JOHN ELIOT. Since this matter is now raised, it concerns the honour of the House and the liberty of the Kingdom. It is true it deserves to be deferred till there be a fuller House; but it is good to prepare things, for I find it is a great point.⁷ I desire therefore that a select Committee may enter into consideration thereof, and also how other liberties of the Kingdom be invaded. I find in the country the Petition of Right printed indeed, but with an answer⁸ that never gave any satisfaction. I desire a Committee may consider thereof, and present it to the House, and that the printer may be sent for to give satisfaction to the House, and to be examined about it, and to declare by what warrant it was printed; which was so ordered.

MR. SELDEN. For this Petition of Right, it is known to some how it hath been lately violated since our last meeting; the liberties for⁹ life, person, and freehold, how have they been invaded? Have not some been committed contrary to that Petition? Now we, knowing this invasion, must take notice of it. For liberties in¹⁰ estate, we know of an order made in the Exchequer, that a sheriff was commanded not to execute a replevin; and mens goods are taken away, and must not be restored; and also no man ought to lose life or limb, but by the law, and hath not one lately lost his ears (meaning Savage that was censured in the Star Chamber by an arbitrary judgment and sentence)? Next they will take our arms, and then our legs, and so our lives. Let all see that we are sensible of these customs creeping upon us.¹¹ Let us make a just representation hereof to his Majesty.

Norton, the Kings printer, was called¹² to the Bar and asked¹³ by what warrant the additions to the Petition of Right were printed. He answered, there was a warrant (as he thought) from the King himself. And being

⁵ on other time. X3.

Wednesday. XII.

Saturday. ¶8,9.

⁶ in regard. X3.

⁷ point of great consequence. XI-8.

point of great importance. X9,10.

⁸ addition. X3.

⁹ of. X3.

¹⁰ of. XI-5,10; ¶11.

¹¹ like ¶; same except crept in. ¶6; ¶11.

of these customs which creep upon us. ¶1.

how these customs creep in upon us. XII; ¶2.5,10.

of this; customs creep on us. XI-10,13-15; ¶1.7-9,11.

of those, customs creep on us. ¶4.

how they creep upon us. X15.

¹² brought. XI-10,13-15; ¶.

¹³ demanded. X9.

and the House demanded of him. ¶4.

asked¹⁴ whether there were not some copies printed without additions, he said there were some, but they were suppressed by some warrant.

SIR JOHN ELIOT desired some clearer¹⁵ satisfaction might be made,¹⁶ and that he might answer directly by what warrant.

Whereupon he was called in again, and said he did not remember the particular warrant,¹⁷ but sure he was that there was a warrant.^o

¹⁴ He was further demanded. X3; Ψ1.

¹⁵ better. X1-8, 10.

¹⁶ given. Ψ5, 10.

¹⁷ like Γ2-4.

particular. X; Ψ1-6, 8-12; Γ5-7, 9-11.

particulars. Ψ7; Γ8.

^o Lowther's notes for this day (which he wrongly dates as the 21st) deserve reprint.

Mr. Selden moves that a Committee may be named to see whether the petition and answer made by the King be recorded in the parliament Roll and in the Courts of Westminster, as was promised by his Majesty, and also to see what hath been entered in the journal book of the parliament since the ending of the former session. Which upon view was found that the King's speech, which was a comment upon his answer, was added by his command, the consideration of which is referred to Tuesday next, how much herein the privilege of the kingdom and the subjects are infringed. And he reports how all our liberties have been since infringed, by the order in the Exchequer that after a replevin under the great seal, the execution thereof hath been stayed by their order, and in other things, and desires that a Committee may be chosen to seek out wherein the liberties have been infringed, and represent it to the House.

Secretary Coke moves that we should not seek occasions, but rather that they should seek us: for is there not a Committee of the whole House for grievances, and why should we make a particular Committee since there is a general? And I think there is no man here but desires a fair correspondence betwixt the King and his subjects, which if we proceed moderately I doubt not but we shall sooner effect our desires.

Sir John Elliot moves that the printer may be sent for that printed that addition, besides the petition, and answer to know by what authority it was done, since those two were to go alone: which was agreed to.

Much disputed whether to have a standing Committee for to inquire and present the grievances to the House, and wherein the liberties have been invaded.

Sir Dudley Digges: I am jealous that the manner may by sinister constructions mar the matter, which if we be cautious and be not too hasty to seek new ways, which may be thought to be, if we pursue this way to have particulars where the general may do as good service and not be so subject to misinterpretation. And we must not only respect our own intentions, but what constructions others may make of it.

Mr. Price of the same opinion, and tells how that it hath been taken notice of in other places to the great dishonour of the House, to subtract a parliament out of parliament.

Sir William Herbert: This comes near the Spanish Inquisition to make particular inquisitors.

Sir John Elliot excepts against the words, and moves that the gentleman will be more cautious, that he let not such words fall.

Littleton: This is no new way but necessary, for if we should stay to particulars occasioned the consideration, we might lose the matter, and suffer prejudice in the meantime.

Sir Thomas Hoby: I will not say that this is a new way, but this is the course; that if any member of the House prefer a petition to the committee of grievances, he need not set his name to it, but it may come in so by petition. But if a stranger prefer a petition he must have his name to it, and defend it; but since the members have that liberty, it may be better done that way.

Sir Nathaniel Rich: This is no unusual way, and it is not proper for the committee of grievances, for that is proper for the well-being of the subjects; but this doth touch the very being of them, and therefore proper for a proper committee.

And upon his motion:—

Resolved upon question, that the whole House shall be resolved into a committee, to consider all those things wherein the privileges of the subjects have been infringed against the petition of right; and to begin on Tuesday next at 9 o'clock in the morning.

Mr. Norton the printer, being asked by what authority the addition was added to the petition of right and the answer, doth say that he had a warrant, but doth not remember from whom. To prevent any misdealing Mr. Selden, Littleton, &c. appointed to go with him to see the warrant immediately.

THURSDAY THE 22ND OF JANUARY

One Mr. Rolles, a merchant and a member of the House, informed the House, that his goods were seized by the customers for refusing to pay the custom by them¹ demanded, although he told them, what was adjudged to be due by law he would pay.

SIR ROBERT PHELIPS. By this information you see the unfortunateness of these times, and how full time it was for this Assembly to meet again to serve his Majesty, and to preserve ourselves; and I am confident we come hither with full intention to do both,² and all we shall do shall conduce to a happy conclusion, and to the Kings honour and to our own safety.³ Great and weighty grievances⁴ wound deep; cast your eyes which way you please, and you shall see violations on all sides. Look on the liberty of the subject, look on the privilege of this House; let any man say if ever he read or saw the like violations by inferior ministers that overdo their commands.⁵ They knew the party was a Parliament man; nay, they said, if all the Parliament were in you, this we would do and justify (meaning the denial of the replevin).⁶ If we suffer the liberties of this House, out of fear or complement to be abused,⁷ we shall give a wound to the happiness of this Kingdom. See here how the course of justice is interrupted; for first an order in the Exchequer was made for staying of the goods; and since here is a seizure made, upon the approaching of the Parliament, of goods amounting to the value of 5000£ for a pretended duty of 200£. In the first year of King James his reign, by reason of the sickness

JANUARY 22.

¹ order. Γρ.

² fullness of both. XII, 15; Ψ; Γ; Θ.

³ content. Ψ4, 5, 10.

contentment. Ψ2, 3.

good. Ψ8, 9.

⁴ like Harl. 2217 (separate).

affaires. Γ5, 8.

things, all others.

⁵ Instead of let any . . . , all together will not hinder inferior ministers and officers, but they will still dare to overdo their commands. Harl. 2217.

⁶ They knew the party was a Parliament man, and yet you see by Mr. Rolles his complaint that his goods were seized by the customers for refusing to pay the customs by them demanded, although he told them he would pay what was adjudged due by law. Nay they told him, if all the Parliament were in you, this we would do and justify it. Harl. 2217.

⁷ like Harl. 2217.

out of fear or complaint to be abused. Γ2.

to wither, and ourselves thus abused. XI.

to wither out of fear. X2-5.

to wither out of fear or complement. X9, 10; Θ.

to wither out of fear or complaint. XII, 13; Γ3, 4, 10.

to wither out of fear of complaint. Ψ7; Γ7, 9.

to wither out for fear of complaint. Ψ2-6, 10.

to wither out with fear of complaint. Ψ8, 9, 11.

to wither out of fear and contempt. Γ11.

so to wither away out of fear to complain. X15.

that then was, the Parliament was prorogued, and then there was some boldness to take this Tonnage and Poundage, and then we questioned the men that demanded it, for there was no right to demand it. Let us proceed with perseverance in our duties⁸ to make up breaches. Let a committee be appointed to consider of these proceedings.⁹

Here Mr. Littleton made a short speech to second him, and all to the same purpose; but for brevity sake I omit it.¹⁰

SECRETARY COKE desired that moderation might be used.¹¹

MR. LITTLETON. We have good admonitions, and we have followed them. We have moderation preached unto us in Parliament.¹² I would others did the like out of Parliament. Let the parties be sent for that violated the liberties of Parliament to have their doom.

SIR JOHN ELIOT. I see by this relation what cause we have to be tender of the liberty of the Kingdom and this House; and yet withal to retain that moderation, as to give satisfaction to the world that our hearts are fixed to serve his Majesty, and to free us from offer of jealousy. Three things are involved in this complaint.

1. The right of the particular gentleman.
2. The right of the subject.
3. The right and privilege of this House.

Let the Committee consider of the two former; but for the violation of the liberties of this House, let us not do less than our forefathers. Was ever the information of a member of the House committed to a committee?¹³ Let us send for the parties.¹⁴ Is there not¹⁵ here a bare denial of the restitution of the goods? Was it not also said, that if all the Parliament were contained in him, they would do as they did? Let them be sent for.

It was ordered that the officers of the Custom House should be sent for.

MR. SELDEN reported from the Committee concerning the printing of the Petition of Right, that there were 1500 copies printed without any addition at all, which were published in the time of the last Parlia-

⁸ *with affection of duty.* X9,11; ¶2-12; F; ¶.

⁹ *duties.* XI,1,4,6.

¹⁰ *Like ¶1.*

Here Mr. Littleton made a speech to second him which I omit for brevity. ¶2,3,5,6.

Here Mr. Littleton made a speech to second him. F1.

Here Mr. Littleton made a speech to second him as followeth. XI,10,13,14; F2,8,10.

¹¹ *Like ¶5,6,10. I desire that every thing may go well, and it will the better certainly if moderation be used.* X15.

The others omit this, but put after Littleton's speech: This speech was occasioned by Secretary Coke who in his speech desired that moderation might be used.

¹² *and we have followed it, added.* X3,15; F7.

¹³ *that violated the liberty, added.* ¶5.

¹⁴ *not omitted in X9; ¶5,6,8-11; F1,3-12; ¶.*

¹⁵ *A select committee was appointed to consider "the Subject's Liberty, in general" and the particulars*
Ann. C.J., 1321.

ment; but since the last Parliament other copies have been printed with the additions and those suppressed and made waste paper, which the printer did, as he said, by command from Mr. Attorney, which he received from his Majesty. And the printer further said that the Attorney was with the Lord Privy Seal at Whitehall, and there the said Lord delivered to the printer sundry papers with divers hands to them, and on the back side were indorsed these words, *We will and command you that these copies be printed.*^b

^b Lowther's whole account of January 22, which he misdates as the 23rd, deserves insertion.

"A bill for reversing of a decree in Chancery made against Laurence Lownes, sheweth:—Whereas Peter Bland did for divers considerations convey by bargain and sale, fine and other conveyance, settle to the said Laurence Lownes two manors worth only 200*£* per annum, and for which he hath paid and secured to be paid above 3000*£*; and the same estates by a decree in Chancery upon a pretence that the same was got by fraud, and when the said Peter was of sick and weak estate and not of a disposing memory, which as in the bill is alleged was not so as is pretended, and that this is a dangerous precedent to subvert the common conveyance of the land by a decree in equity, which heretofore hath not been: and since the said decree is only reversible by the high House of Parliament it is desired the same decree may be reversed and made void, against the parties for whom it was given; saving to all others their rights, &c.

A question whether a writ for election may be granted by the Lord Keeper in the vacation upon a prorogation, or by the Speaker, or may by both; this referred to the committee of privileges.

Mr. Rowles reports how his goods were taken for not payment of custom as was usual, though he offered security to pay what was due by law or adjudged by parliament, but his proffer was refused, and [blank] said if Mr. Rowles had all the House of Commons in him he would [do] what he did. Where upon he brought a replevin, which [was] got with much ado and delivered it to the sheriff, but the execution was stayed by an order of the Exchequer. Afterward he brought another replevin in London returnable in the hustings, and the officers taking them to deliver them to the party; but they were rescued and so he could not have them. And he had divers other goods which was seized, amounting to the value of 5000*£* and their own demands was 200*£*; which in King James's time, when any denial was made they did but seize so much goods as amounted to their own demands, but now they do it with that violence that they take all.

Officers: Worsenam, Dawes, Carmerden, John Baupage, Mease, Rodgers.

Mr. Littleton: Two things are considerable in this; first whether tonnage and poundage be due without act of parliament, and it is clear it is not, and in Edw.: III's time it was taken from the King and given to the merchants for the guarding of the seas, and it hath been given for years.

The second thing is whether a parliament man shall not have the privileges for his goods, as well as for his person. For [blank].

Secretary Coke: I would that we proceed as judges, and not to prejudicate the matter nor to aggravate it; for in weighty matters we ought to be moderate and move slowly, for it may be, though I will not say, that all the things may not be true.

Sir Benjamin Rudyard to the same purpose. Parliament party not to be in love with monarchy.

Moved by Phillips, Coriton, &c. That a special committee may be named to take a particular disquisition and examination touching Mr. Rowles's information.

Mr. Selden: His information consists of two parts; first that which toucheth him as a parliament man, his privilege ought not to be referred to a committee, but for the House to take it upon the relation of the member: and whereas it was said that it may be untrue, that is not parliamentary. And for the other I think it fit to be referred to the committee, as it is a wrong to the subject.

Secretary Coke: That which I said, that it may be, I might be untrue, I might have said it affirmatively, and I pray you that you will have as much credit to one member as to another. But note that he spoke to the question in this speech, otherwise it had been against order.

Resolved that a committee to be named to consider of the information of Mr. Rowles, which toucheth the infringing of the liberty of the subject in general.

Resolved that those officers to be sent for to answer their contempt to the House touching Mr. Rowles; and also to attend the committee to be examined touching the other matter before, in the Court of Wards this afternoon.

Mr. Selden reports that upon examination of the printers for the first impression without those additions, there were 1500 printed, sitting the parliament and before they were dispersed. The next day after the parliament Mr. Attorney sent for him to his chamber and told him that this impression

FRIDAY THE 23RD OF JANUARY

His Majesty sent a message to the House which was delivered by Secretary Coke as followeth:¹

Whereas there hath been debate raised in this House concerning the seizure of merchants goods by his Majesties officers and ministers, his Majesty wisheth that any further debate or proceeding in that case² be forborne till to-morrow at two of the clock in the afternoon, when his Majesty is resolved to speak with both Houses at Whitehall and hereof we³ are to take notice.⁴

Upon which the House arose for the day.

SATURDAY THE 24TH OF JANUARY

Both Houses being met in the Banqueting House the King made a speech in manner following:¹

My Lords and Gentlemen;

The care I have to remove all obstacles that may hinder the good correspondency² betwixt me and this Parliament is the cause I have called you hither at this time, the particular occasion being a complaint lately made in the Lower House. And for you, my Lords,³ I am glad to take this, and all other occasions, whereby you may clearly understand both my words and actions; for as you are nearest in degree, so you are the fittest witnesses to⁴ Kings. The complaint I speak of is for staying mens

was not to go out so, and afterward Mr. Attorney sent for him to Whitehall and gave him a warrant for the imprinting of those papers which were pinded together. And the Lord Privy Seal also sent for him to his house, and told him that the first impression was not to be printed alone.

Secretary Coke reports from the King that he avoweth that it was by his warrant and direction, and his Majesty doth avow it.

JANUARY 23.

¹ His Majesty upon this day sent the Houses of Parliament, as well the upper as the lower, a message by Secretary Coke. X12.

² business. X3; ¶5.

³ you. ¶6.

⁴ His Majesty sent the House a message to this effect, that he willed them to cease from further debate of Tonnage and Poundage till the next day in the afternoon, and that he would speak with them in the Banqueting-House at Whitehall. X15; ¶1,3-12; ¶.

JANUARY 24.

¹ The King made a speech in the Banqueting-House at Whitehall. ¶7,9.

The King made a speech to that purpose. ¶1.

The King made a speech as followeth. ¶4.

The King made a speech. ¶2-6.

² and cause a misunderstanding, added. ¶1.

³ of the higher House, added. ¶1.

⁴ for. X2; ¶1; ¶1,11; Cambridge, Gg. iv-13, f. 96.
of. X15.

goods that denied Tonnage and Poundage. This may have an easy and short conclusion, if my words and actions be rightly understood; for by passing the bill as my ancestors have had it, my by-past actions will be included, and my future proceedings⁵ authorized; which certainly would not have been struck on,⁶ if men had not imagined that I have taken these duties as appertaining to my hereditary prerogative, in which they are much deceived; for it ever was and still is my meaning, by the gift of my people to enjoy it; and my intention in my speech at the ending of the last Session concerning this point was not to challenge Tonnage and Poundage as of right, but *de bene esse*; showing you the necessity, not the right, by which I was to take it, until you had granted it to me; assuring myself according to your general professions, that you wanted time not will to give it to me. Wherefore now having opportunity, I expect that without loss of time you make good your professions; and so by passing of the bill to put an end to all the questions arising from this subject, especially since I have cleared the only scruple that can trouble you in this business. To conclude, let us not be jealous one of anothers actions; for if I had been easily moved at every occasion, the order you made on Wednesday last⁷ might have made me startle; there being some show to suspect that you had given yourselves the liberty to be inquirers after complaints, the words of your order being somewhat largely penned; but looking into your actions, I find you only hear complainers,⁸ not seeking complaints, for I am certain you neither intend⁹ nor desire the liberty to be inquirers after mens actions before particular complaints be made.

This I have spoken to show you how slow I am to believe harshly of your proceedings; likewise to assure you that the Houses resolutions, not particular mens speeches, shall make me judge well or ill, not doubting but according to my example you will be deaf to ill reports¹⁰ concerning me, till my words and actions speak for themselves; so that this Session beginning with confidence¹¹ one towards another, it may end with a perfect, good understanding between us; which God grant. Amen.

⁵ actions. XI, 2, 15.

⁶ *et.* FI; Cambridge, Gg. iv-13, f. 96.

⁷ made in the lower House on Wednesday night last. Ψ1.

⁸ like XI.

you are only complainers. XI5; FI; Cambridge Gg. iv-13, f. 96.

you only hear complaints. Ψ1.

⁹ pretend. XI5; FI.

¹⁰ all ill reports and rumors. Ψ1.

¹¹ a mutual confidence. Ψ1.

MONDAY THE 26TH OF JANUARY^a

MR. WALLER¹ did inform the House that there were divers ships laden with corn for Spain and other enemies countries. Whereupon a committee was appointed to inquire about the trading into Spain and other enemies countries, and concerning the transporting of corn and other munition² thither.

It was ordered that some of the Privy Council should move the King about the stay of the ships.

MR. SECRETARY COKE then moved that the bill of Tonnage and Poundage might be read, and after some debate it was diverted, and then they fell³ upon points of Religion.

MR. ROUSE concerning Religion.⁴

Mr. Speaker, We have of late entered into consideration of the Petition of Right, and the violation of it, and upon good reason, for it concerns our goods, liberties, and lives;⁵ but there is a right of an higher nature that preserves for us far greater things, eternal life, our souls, yea our God himself; a right of Religion derived to us from the King of Kings, conferred upon us by the King of this Kingdom, enacted by laws in this place, streaming down to us in the blood of the martyrs, and witnessed from Heaven by miracles, even by miraculous deliverances. And this right, in the name of this Nation, I this day claim, and desire that there may be a deep and serious consideration of the violations of it. I desire first that it may be considered what new paintings are laid upon the old face of the whore of Babylon to make her seem more lovely, and to draw so many suitors to her. I desire that it may be considered how the See of Rome doth eat into our Religion and fret into the banks and walls of it, the laws and statutes of this realm; especially since those laws have been made in a manner by themselves, even by their own treasons and bloody designs, and since their Popery is a confused mass of errors, casting down Kings before Popes, the precepts of God before the traditions of men, living and reasonable men before dead and senseless stocks and stones. I desire that we may consider the increase of Arminianism, an error that

JANUARY 26.

¹ concerning transportation of corn, added. ¶4.

Mr. Wallers information concerning ships bound for Spain. ¶5.

² commodities. XII.

³ and so they resolved first to fall. XI-8.

⁴ the which Mr. Rouse did first move as followeth. I.

the which Mr. Rouse did first mention. ¶.

⁵ laws. ¶11; ¶; Sloane 4155, f. 179.

^a Sir Edward Nicholas's *Notes* begin on this day with Mr. Waller's speech. From this date to February 6 (the point at which Grosvenor's *Diary* begins), it is the most satisfactory account, the one to be followed by the reader who wishes the best narrative of events. For this reason, all notes explaining the course of proceedings and all cross references to additional material in the other accounts are from this point given under that text.

maketh the grace of God lackey it after the will of man, that maketh the sheep to keep the shepherd, that maketh mortal seed of an immortal God. Yea, I desire that we may look into the belly and bowels of this Trojan horse, to see if there be not men in it ready to open the gates to Romish tyranny and Spanish monarchy. For an Arminian is the spawn of a Papist; and if there come the warmth of favour upon him, you shall see him turn into one of those frogs that rise out of the bottomless pit. And if you mark it well, you shall see an Arminian reaching out his hand to a Papist, a Papist to a Jesuit, a Jesuit gives one hand to the Pope and the other to the King of Spain; and these men having kindled a fire in our neighbour country,⁶ now they have brought over some⁷ of it hither, to set on flame⁸ this Kingdom also. Yea let us further search and consider whether these be not the men that break in upon the goods and liberties of this Commonwealth,⁹ for by this means they make way for the taking away of our Religion. It was an old trick of the Devil when he meant¹⁰ to take away Jobs Religion, he began at his goods, saying to God, *Lay thy hand on that he hath, and he will curse thee to thy face*. Either they think hereby to set a distaste between prince and people, or to find some other way of supply to avoid or break Parliaments, that so they may break in upon our Religion, and bring in their own errors.¹¹ But let us do as Job did, he held fast his Religion, and then his goods were restored to him¹² with advantage; and if we hold fast God and his¹³ Religion, these things shall¹⁴ be added unto us. Let us consider¹⁵ the times past, how we¹⁶ flourished in honour and abundance, but as Religion decayed so the honour and strength of this Nation¹⁷ decayed; when the soul of a Commonwealth is dead, the body cannot long overlive it. If a man meet a dog alone, the dog is fearful, though never so fierce by nature; but if that dog have his master with¹⁸ him, he will set upon that man from whom he fled¹⁹ before. This shows that lower natures being backed by higher increase in courage and strength;

⁶ countries. X3,10,11,15; Sloane 4155, f. 179; pamphlet printed for W. H., London, 1641.

⁷ the flame. F2.

⁸ fire. F2.

⁹ Kingdom. X1-3,5; Ψ1.

¹⁰ went. X15; Ψ11; Stowe 361, Harl. 3787, f. 140.

¹¹ contrary, corrupt errors. X3.

¹² his goods came again. F.

¹³ our. X5,11,15; F2.

¹⁴ will. X15; pamphlet.

¹⁵ remember. XII.

¹⁶ they. X1-3,5,10; Ψ1,3,10,11; Sloane 4155, f. 179; Harl. 3787, f. 140; Cambridge, Gg. iv-13.

¹⁷ Kingdom. X1-3; F; Harl. 3787, f. 140.

¹⁸ by. X1-3,15; F1-2; pamphlet; Stowe 156, f. 216; Harl. 161, f. 157; Sloane 4155, f. 179; Stowe 361; Sloane 826.

¹⁹ whom he feared. Stowe 156, f. 216; Sloane 2531.

and certainly man being backed with²⁰ omnipotency, is a kind of omnipotent thing. All things are possible to him that believeth; and where all things are possible, there is a kind of omnipotency. Wherefore let it now be the unanimous consent and resolution of us all to make a vow and covenant from henceforth to hold fast our God and our Religion, and then shall we from henceforth certainly expect prosperity in this Kingdom and Nation; and to this covenant let every one say *Amen*.²¹

SIR FRANCIS SEYMOUR. If Religion be not a rule²² to all our actions what policy can we have? If God fight not our battles, the help of man is in vain. In our defects, the cause thereof is our defect in Religion, and the sins of²³ idolatry and popery.²⁴ Papists increase now more than ever,²⁵ neither do they want their priests and masses. Nay,²⁶ his Majesties name is used to stop proceedings against Papists, and that since the Parliament,²⁷ contrary to his Majesties goodness and public profession, and contrary to his many proclamations and instructions to the judges; and whatsoever is done in the country is undone above.

MR. KIRTON.

Mr. Speaker, This business that we have in hand concerning Religion is of dangerous consequence if it be not thoroughly²⁸ looked into. I think there is no man that sits here but is sensible in what danger now it stands,²⁹ if this Honourable House doth not find some present remedy for it. It is apparent to every man that new opinions are brought in³⁰ by some of our Churchmen to disturb the peace that our Church was formerly in; the meaning of it can be no other but to bring in the Romish Religion amongst us; for it hath ever been a Jesuited policy, first to work a disturbance,³¹ and after that a change; we must seek the cause. I freely speak³² my

²⁰ by. X10; F2,9; Harl. 161, f. 157; Stowe 361; Harl. 3787, f. 140.

²¹ *If we hold our God we shall hold our goods, and all we have; if we be backed with omnipotency from heaven we shall prevail. Let us resolve to prefer our Religion and God will prefer us.* X13.

²² guide. F2-4.

to rule, added. ¶8.

²³ sin is. ¶8,10,11; F1,3-10; ¶.

sin therefore is. F2,11.

same is. X15.

²⁴ *In our defects of punishing consisteth the cause of this confusion in our Religion. The principal cause of this confusion is idolatry; for.* Harl. 2217.

²⁵ *since Queen Elisabeth began to reign,* added. Harl. 2217.

²⁶ *Nay one thing I much wonder at, that.* Harl. 2217.

²⁷ *ever since the last session of Parliament.* Harl. 2217.

²⁸ straightly. ¶1-3,5-9.

²⁹ we stand. X1-3,10.

³⁰ *spring up and brought in.* X3.

³¹ *distraction.* Harl. 2217.

³² like Stowe 361, f. 156; Sloane 826, f. 140.

I shall freely speak. ¶; X.

I shall briefly speak. F7,9,11.

opinion, that is, that this proceeds from the ambition of some of the clergy that are near his Majesty. For it is well known that at first the Church of Rome, and that³² which we now profess, were all one; and then the ambition of the clergy begot and brought in all those differences that are betwixt us. The highest dignity that they can attain unto here in England is an Archbishopric; but a Cardinals cap is not here to be had. I believe that some of them affect that too well, and in some of them we see the effects,³⁴ how they change their opinions for advancement, and how they turn white into black, and black into white. This being so, our endeavours must be to take away the root, and then the branches will decay of themselves. It is not the calling in of the *Appeale to Caesar* that will do it;³⁵ for if they can get bishoprics for writing such books, we shall have many more that will write books in that kind. It behooves us all, every man according to his best ability, to employ himself in the search of these things, that we may find out both the matter and the men, that we may present them and the dangers this Kingdom stands in by them to his Majesty; and for my part, I, as God shall enable me, will do my best herein.³⁶

MR. SHERLAND. We have a Religion that is worth the loving with all our hearts. It was sealed³⁷ with³⁸ the blood of martyrs, and kept by miracles. To have our noses wiped of this would grieve any³⁹ heart; much more to see our Religion quite taken⁴⁰ away and designs made⁴¹ on it,⁴² and Arminianism still to increase as it doth. I admire, I persuade myself, the greater part of the clergy,⁴³ nobility, and gentry are firm; but it is the desire of some few that labour to bring in a new faction of their own; and so they

³² the doctrine of Religion. Harl. 2217.

³⁴ them the effects prove it true. Harl. 2217.

³⁵ that will serve your turn. Stowe 361, f. 156.

³⁶ If ever now is the time to speak. We see what men are raised to preferment. If we look not to it, I shall more fear a sudden change of Religion than the Spanish Armada was feared in 88, or the loss of the Sound. Mountague was here questioned, but things continue as they did. We see the King to all our comforts is right. It comes not from him, but some that are too near him are too busy in this. The ambition of some of the clergy hath brought in these stirs. We see the pulpits are full of them. We see some that wear white and black, tis more than Mountague. Let us bend our wits to reform them. W11,14,15; 6.

³⁷ settled. X11; W2,4-11; F1-4,7-12; 61,3-5.

³⁸ by. X1,3-5,11,13,15; W2,4,5,7-11; 6.
in. W6.

³⁹ my. W11; F1.

⁴⁰ go. X9,11,15; W2-11; F1,3-12; 6.

perish. F2.

taken clear. X10.

⁴¹ practised. F2.

daily, added. X15; W3,5.

⁴² of. W8,9; 61.

⁴³ Instead of To have our noses . . . And it would grieve any good heart more to see Religion perish by designs daily practised than for whatsoever might be done unto him. Arminianism so increasing as it doth; I do admire it. Yet I am persuaded the greater part of the clergy. F2.

drop⁴⁴ into the ears of his Majesty,⁴⁵ and so suggest that those that oppose them oppose his Majesty, and so they put him upon designs⁴⁶ that stand not with public liberty, and tell him that he may command what he listeth and do what he pleaseth with goods, lives, and Religion.⁴⁷ And so they involve all true-hearted Englishmen and Christians under the name⁴⁸ of Puritans, and so involve their quarrels to be his Majesties,⁴⁹ which is treason in the highest degree and quality.

SIR ROBERT PHELIPS. I take⁵⁰ myself much bounden to those gentlemen that first set this on foot; if any man be too⁵¹ zealously transported in this, it is for his Religion, let that excuse him. Two sects are dangerously⁵² crept in to undermine King and Kingdom, if not now prevented, the one ancient Popery, the other new Arminianism. What misery befell the Jews when they broke their peace with God! What hath been the event of our late designs⁵³ since these heresies crept in? Have we not still turned our backs upon our enemies? I am afraid that God sitteth in the council of our enemies against us. Doth not God pay⁵⁴ us with enemies abroad, and distraction⁵⁵ at home? We are become the most contemptible nation in the world. Are not our miseries and our crosses daily increased? With grief do I express that fatal perishing of the late hopeful Prince of Bohemia. I desire therefore that we may humble ourselves before God by fasting and prayer, that we may bring him again into England into our actions, to go before our armies, that God may crown our actions and bless our counsels.

TUESDAY THE 27TH OF JANUARY

A petition was exhibited¹ against one Lewis that said, about the 25th of December, *The Devil take the Parliament*, which was avowed by two²

⁴⁴ *creep*. X11.
and this they do by dropping. Γ7,9.
insert. X15.

⁴⁵ *new opinions*, added. Ψ2.

⁴⁶ *new designs*. Γ2.

⁴⁷ Instead of *and tell him that . . . That he commands what he lists with lives, goods, and Religion, and doth as he pleaseth*. X11; Ψ2-11; Γ; Φ.

⁴⁸ *odious name*. X9.

⁴⁹ *and so involve his Majesty in their quarrels*. X10.
and so involve his Majesties quarrel to be theirs. X11; Γ; Φ2-5.
and so make his quarrel to be theirs. X15.

⁵⁰ *hold*. Ψ1,12.

⁵¹ *so*. Ψ1,2,5,6.

⁵² *damnable*. Ψ1.

⁵³ *What hath blasted our designs*. Ψ1.

⁵⁴ *plague*. Ψ1.

⁵⁵ *destruction*. Ψ1.

JANUARY 27.

¹ *preferred*. X1,2,4-6,10.

delivered. X3.

² *four*. Φ4.

witnesses, and though it was spoken out of Parliament, yet it was resolved to be an offence to³ the Parliament, and it was ordered that he should be sent for.

SIR NATHANIEL RICH tendered a petition concerning the Fast; which was agreed⁴ to be preferred⁵ to the King as followeth:

Most Gracious Sovereign,

It is the hearty and very earnest desire of us your most dutiful subjects, the Lords spiritual and temporal and Commons in this present Parliament assembled,⁶ that this our Meeting may be abundantly blessed with all happy success in the great⁷ affairs of Church and State, upon which we are to consult; and that by a clear understanding both of your Majesties goodness to us, and of our ever faithful and loyal hearts to your person and service (all jealousies⁸ and distractions, which are apparent signs of Gods displeasure, and of ensuing mischief being removed) there may be in this Session, and forever be, a perfect and most happy union and agreement between your Majesty and all the estates of your Realm. But humbly acknowledging that neither this nor any other blessing can be expected without the special favour of Almighty God, and having upon the observation of the continued and increasing miseries of the reformed Churches abroad (whose cases with bleeding hearts we do commiserate⁹), as likewise of those punishments already inflicted, and which are likely in great measure to fall upon ourselves, we have just cause to conceive that the Divine Majesty is for our sins exceeding offended with us. We do in this and all other pious respects, most dear¹⁰ Sovereign, humbly beseech your most excellent Majesty, that by your royal command, not only ourselves, but all the people of this your Kingdom, may be speedily enjoined, upon some certain day or days, by your Majesty to be prefixed, by public fasting and prayer, to seek reconciliation at the merciful Hands of Almighty God, so that the prayers and tears of your whole Kingdom, joined with your Majesties most Princely care, and the faithful and hearty endeavours of this¹¹ great Council now assembled, may procure glory to Almighty God in the preservation of his true Religion, much honour to your Majesty, prosperity to your people, and comfort to all your Majesties friends and allies.

³ against. X1,15; Γ2-4.

⁴ ordered. ¶2,3,6,8-10.

⁵ presented. X2,15.

⁶ reassembled. X11.

⁷ great and urgent. Γ1.

⁸ fear. Γ1.

⁹ compassionate. X15; Γ1; [✓]Cambridge, Gg. iv-13.
commiserate and compassionate. } X2.

¹¹ dread. X11,15.

¹² your, added. X1.

It was ordered that a conference should be desired with the Lords about this Petition, who desired to join with the Lower House; which was done accordingly.

The King sent a message by Secretary Coke to this effect, *viz.*, His Majesty understanding that the Remonstrance was called for, to take away all question, commanded me to deliver it to you; but hoping that you proceed with the Bill of Tonnage and Poundage and give precedency to that business, to give an end to further dispute between him and some¹² of his subjects; or else he shall think his speech, that was with good applause accepted, had not that good effect he expected.

But before this message was delivered, a report was made by Mr. Pym from the Committee of Religion, where a motion was made¹³ about the Remonstrance the last Session concerning that part which toucheth Religion, and the Clerk answered that by command from the King he delivered it to the Lord Privy Seal, and so the Committee proceeded no further.

SIR WALTER ERLE made a speech upon the occasion of Mr. Secretary Cokes declaring that his Majesty expected that the House should give his business the precedency as followeth:

Mr. Speaker,¹⁴ I am of the number of those that at our last meeting thought the time best spent in vindicating those rights and liberties of the subject which had formerly been impeached and were then in most eminent danger; and in that respect thought it not amiss (for a while) to postpone the business of Religion, as a thing that rather concerned the well-being than the being itself of this Kingdom and Commonwealth; being as an accident¹⁵ without a subject, or a soul without a body. Now give me leave to tell you, that Religion offers itself to your first consideration at this time, challenging to herself the right of precedency, and the employment of our best endeavours. That as it was then, *Ubi dolor ibi digitus*, so it may be now, *Ubi amor ibi oculus*. But let no man mistake me, as though I were less sensible of the violations of the subjects liberties (even since the last Session) than any man else that sits here, whatsoever he be. No, Mr. Speaker, I know full well that the cause of justice is Gods cause as well as the cause of Religion. But what good will those rights and liberties do me, or any man else, that resolves to live and die a Protestant? Nay, what good will they do any man, of what Religion soever he be, that resolves to live and die a freeman and not a slave, if Popery and Arminianism, joining hand in hand as they do, be a means,

¹² between some. XII, 15; Ψ2, 3, 8, 10; Γ; Φ.

¹³ Mr. Pym came from the Committee for Religion and made a motion. X2, 4, 13; Ψ12.

¹⁴ The last part of the Kings last message pressing us to begin with making of the Bill of Tonnage and Poundage calleth me up, added. Harl. 2217.

¹⁵ incident. XI0.

together with the Romish Hierarchy, to bring in a Spanish tyranny amongst us; under which those laws and liberties must of necessity cease?¹⁶ In the point of Religion, you see what hath been done since the last Session;¹⁷ we know what declarations have been made; what persons have been advanced; what truths established by laws confirmed by Synods national and provincial have been called in question, and that in such a manner as the like before hath scarce been heard of. Well, how others stand affected, I know not; but for my own part, that which for an undoubted truth I have from the Church of England heretofore received, that will I stand to, and forgo my estate, my liberty, yea my life itself, rather than forgo it. As for passing of bills, settling revenues, and the like, without settling Religion, I must confess I have no heart to it. Take away my Religion, you take away my life; and not only mine, but the life of the whole State and Kingdom. For I dare boldly say, never was there (in the point of subsistence) a more near conjunction between matter of Religion and matter of State in any Kingdom in the world than there is in this Kingdom at this day. Therefore let this that I say sink a little into your consideration; and let me put you in mind of a saying worthy to be considered of, *Humana consilia castigantur, ubi caelestibus se praeferunt*,¹⁸ when human counsels thrust themselves in before divine, a thousand to one but they are severely punished. But if we hold ourselves to this method by me now proposed unto you, doubtless that God which, beyond our expectations, brought us through those many¹⁹ difficulties of the last Session, will not be wanting to us now in this particular, that so much concerns his own glory. However let us do our endeavours, and leave the success to him. The sum of all that I have said unto you is this, of all the businesses that are now before you, whatsoever they be, let Religion have the precedence.²⁰

MR. CORYTON. Let us not do Gods work²¹ negligently. We receive his Majesties messages with all duty; for our proceedings, let us so proceed,

¹⁶ Instead of, if Popery . . . , if we must not root out Popery and Arminianism, both which join hand in hand together in a Spanish tyranny under which our laws and liberties do suffer. Harl. 2217.

¹⁷ If we consider what hath been done against the last Session of Parliament. Harl. 2217.

¹⁸ *Consilia bene gerantur ubi caelestia se praeferunt.* Harl. 2217.

¹⁹ main. ¶1.

²⁰ Sir Walter Erle replied to the message: The last part of the message calls me up. For point of precedence, Religion challengeth precedence and the right of our best endeavours; *Ubi dolor ibi digitus*. I know justice and liberty is Gods cause, but what good will justice and liberty do if Popery and Arminianism join hand in hand together to bring in a Spanish tyranny, under which those laws and liberties must cease? What hath been done for Religion since the last Session? We know what declarations have been made, what persons have been advanced, what truths confirmed by all authority of Church, Councils, and King. For my part, I will forego my life, estate, and liberty, rather than my Religion; and I dare boldly affirm, that never was more corruption between Religion and matters of State, than is at this present time. *Humana consilia castigantur ubi caelestibus se praeferunt*. Let us hold ourselves to this method, and that God that carried us through so many difficulties the last Session, will not be wanting to us now. ¶2-11; ¶; ¶.

²¹ business. XI-5; ¶1.

as may soonest conduce²² to his Majesties desires.²³ Religion concerneth the King as well as us. The unity of this House is sweet, especially in Gods cause. Let us cry and cry again for this.²⁴ Let us be resolved²⁵ into a committee, and presently debate thereof.

MR. PYM.²⁶

The hindrances of Religion to be inquired after for redress.²⁷ Two diseases, the one old, the other new. The old Popery, the new Arminianism. There are three things to be inquired after concerning Popery.

First, the cessation of the execution of the laws against Popery.

Secondly, how the Papists have been employed and countenanced.

Thirdly, the late bringing in and growth of superstitious rites and ceremonies amongst us.²⁸

For Arminianism be advised,

First, that a way may be opened for the truth.²⁹

Secondly, that by³⁰ the Articles set forth 1552, and by the Catechism set forth in King Edward VI his days, and by the writings of Peter Martyr and Martin Bucer, Wycliffe, and others, and by the constant profession sealed by the blood of so many martyrs as Cranmer, Ridley, and others; and by the 39 Articles set forth in Queen Elizabeths time; and by the Articles set forth at Lambeth as the doctrine of the Church of England, which King James sent to Dort and Ireland as the truth professed here.

Third and lastly, by his Majesties Declaration and Proclamation³¹ to maintain unity in the settled Religion, as appears by his Proclamation and other courses tending that way, which are perverted³² and abused to the ruin and suppression³³ of Religion, which bred a fear of innovation; as also by the preferment which such have received since the last Session,³⁴ who have heretofore taught contrary to the truth. Then to consider again

²² conduct us. Γ.

²³ to the good will and pleasure of his Majesty. Harl. 2217.

²⁴ again in his cause. Harl. 2217.

²⁵ resolved again. Harl. 2217.

²⁶ At the Committee for Religion Mr. Pym in the Chair. X1-8.

Mr. Pym's speech at a Committee. X13.

Mr. Pym at a Committee. X10.

²⁷ This phrase put as the subject before Mr. Pym, in Ψ11; Φ2,6.

²⁸ especially in Durham, as angels and saints, altars and candles, added. X9,11,15.

²⁹ That any man may be here called in question for teaching against the truth. Harl. 2217.

³⁰ Be advised how the Arminians have been employed and countenanced notwithstanding their doctrines have been divers times condemned for gross errors as appeareth by. Harl. 2217.

³¹ explanation and exclamation. Sloane 826.

³² subverted. X1-3,5.

³³ subversion. Γ1,2,7,9,11.

³⁴ Parliament, all but X11.

to³⁵ what overt act³⁶ these men have been countenanced and advanced,³⁷ what pardons they have had for false doctrine, what manner of preaching hath been lately before his Majesty, what suppression³⁸ of books that have been written against their doctrines, what permitting³⁹ of such books as have been for them.⁴⁰

The ways propounded for remedies. It is the duty of Parliament in general and of each Christian⁴¹ in particular to use all possible means to redress these inconveniences. And howsoever it is alleged that the Parliament are not judges in matters of faith, yet ought they to know⁴² the established and fundamental truths, and the contraries unto them; for Parliaments have confirmed acts of General Councils, which have not been received until they have been so authorized; and Parliaments have enacted laws for trial of heretics by jury. The Parliament punished the Earl of Essex for countenancing of heretics; and there is no Court can meet with this mischief but the Courts of Parliament. The Convocation cannot because it is but a provincial Synod, only of the jurisdiction of Canterbury, and the power thereof is not adequate⁴³ to the whole Kingdom; and the Convocation of York may perhaps not agree with that of Canterbury. The High Commission cannot, for it hath its authority derived from Parliaments,⁴⁴ and the derivative cannot prejudice the original, the judgment of Parliament being the judgment of the King and of the three estates of⁴⁵ the whole Kingdom.⁴⁶

It was then ordered that Religion should have the precedency⁴⁷ and that the particulars before named⁴⁸ should be taken into consideration by a committee of the whole House.

³⁵ *for.* Fl. 7, 9, 11.

by. X9; F2.

³⁶ *to what honours.* Sloane 826.

³⁷ *committed and again advanced.* F9, 11.

³⁸ *prohibiting.* Fl. 2, 7, 9, 11.

³⁹ *printing.* Sloane 826.

⁴⁰ *for their errors.* Harl. 2217.

⁴¹ *Christian Protestant.* Harl. 2217.

⁴² *it may and ought to know.* Sloane 826.

⁴³ *equal.* Sloane 826.

extended. X15.

⁴⁴ *other Courts.* Sloane 826.

⁴⁵ *and so of.* Sloane 826.

⁴⁶ Instead of this speech: *Let us inquire of sundry Popish ceremonies especially in Durham, as angels and other saints, altar, candles etc.* X14.

⁴⁷ *before all other matters,* added. X10.

⁴⁸ *mentioned.* X1-8, 10.

WEDNESDAY THE 28TH OF JANUARY

SECRETARY COKE delivered another¹ message from his Majesty.²

His Majesty, upon an occasion of dispute in this honourable House about Tonnage and Poundage, was pleased to make a gracious declaration,³ wherein he commended unto us the speedy finishing thereof, and to give a precedency thereunto. And since his Majesty understands the preferring the cause of Religion, his Majesty expects rather thanks than a Remonstrance; yet his Majesty doth not interrupt you, so that you trench not on that which belongs not to you. But his Majesty still commands me to tell you that he expects precedency in Tonnage and Poundage; assuring himself that he hath given no occasion to put it back, and so hopeth you will not put it off.⁴

MR. LONG. I cannot but much sorrow to see how we are still pressed to this point.⁵ I hoped those near the Chair⁶ would have truly⁷ informed his Majesty of our good intentions. But we see how unhappy we are, still some about his Majesty make him diffident of us.

SIR THOMAS EDMONDES. I am sorry this House hath given occasion of so many messages from his Majesty about Tonnage and Poundage, after his Majesty hath given us so much⁸ satisfaction. You may perceive his Majesty is sensible of the neglect of his business; we that know this should not discharge our duties to you if we should not persuade you to that course which should⁹ procure his Majesties good opinion of you. Yourselves are witnesses how industrious his Majesty was to procure you gracious laws in his Fathers time; and since that, what enlargement he hath made of our liberties, and still we give him cause to repent him of the good he hath done. Consider how dangerous it is to alienate his Majesties heart from Parliament.¹⁰

MR. CORYTON. When men speak here of neglect of duty to his Majesty, let them know we know no such thing, nor yet what they mean. And I see not how we do neglect the same. I see it is in all our hearts

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¹ a second. XI.0.

² viz. it is the Kings answer to the Commons Declaration, added. XI.4.

³ answer or declaration. XI.1.

⁴ Secretary Coke brought another message from his Majesty importing his Majesties desire to have them proceed with the Bill of Tonnage and Poundage. XI.8.

⁵ I cannot but with much sorrow speak seeing that we . . . XI.
I . . . still put back by these messages. XI.5.

⁶ I hoped the Chair. XI.5.

⁷ freely. XI.9.

⁸ full. XI.10,15; 6.

⁹ may. XI.5.

might. XI.1.

¹⁰ us. XI.5.

to expedite the Bill of Tonnage and Poundage in due time; our business is still put back by these messages, and the business in hand is of God and his Majesty. Things are certainly amiss, and every one sees it, and woe be to us¹¹ if we present them not to his Majesty.

SIR JOHN ELIOT spake to the same effect.¹²

It was ordered that a committee should be appointed to pen an answer to his Majesties messages, and to show that it is their resolution to give him all expedition in his service,¹³ and that they hold it not only fit to give him thanks, but further to show what perils we are in; and that Tonnage is our own gift, and that it is to arise from our selves, and that we intend not to enter into any thing that belongs not to us.

THURSDAY THE 29TH OF JANUARY

The former part of the day was spent in debating of the transportation of corn and victuals into Spain; and it was ordered that a message should be sent to his Majesty, that it is now evident that divers ships are bound for Spain and to desire a stay of them.

In the afternoon the House sat at the Committee about Religion, and after long debate it was resolved by the Commons House of Parliament concerning Religion as followeth:¹

That we the Commons now in Parliament assembled do claim, profess, and avow² for truth, the sense of the Articles of Religion, which were established in Parliament in the 13th year of Queen Elizabeth, which by the public acts of the Church of England, and by the general and current exposition³ of the writers of our Church, hath been delivered unto us; and we reject the sense of the Jesuits and Arminians⁴ wherein they do differ from us.

¹¹ and everyone sees that a woe will be to us. X1-4.

¹² and seconded Mr. Coryton, added. X12.
in all points, added. XII.

¹³ business. X3.

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¹ to declare their resolution in these words following, viz. ¶1.

After the House sat a Committee for about Religion as followeth. ¶2.

This heading added:

The Resolutions of the House of Commons touching Religion. ¶6,7; ¶7; ¶2,6.

A Declaration of the lower House concerning Religion. X7,8,10.

The Commons profession of their faith. X15.

² do declare, claim, profess, and avow. ¶7.

do claim, profess, and allow. X1-4.

do claim and hold. St. P. Dom. 1628-29, vol. 133, no. 14.

do proclaim, profess and avow. X15.

³ propositions. ¶11.

⁴ and all others, added. X9; St. P. Dom. 1628-29, vol. 133, no. 14.

The House received an answer from his Majesty touching⁵ the ships; which was, that he would consider of it, and send them answer⁶ in due time.

SIR JOHN ELIOTS SPEECH THE 29TH JANUARY

Mr. Speaker,⁷ I have always observed in the proceedings of this House, our best advantage is in order;⁸ and I was very glad when that noble gentleman, my country-man,^{9a} gave occasion to stay our proceedings, for I fear it would have carried us into a sea of confusion and disorder. And having now occasion to present my thoughts to you in this great and weighty business of Religion, I shall be bold to give you a short expression of my own affection, and in that order that, I hope, will conduce best to the effecting of our work, and direct our labour unto an end. To enter, Sir, into a particular disquisition of the writings or opinions of divines, I fear it will involve us in a labyrinth that we shall hardly get out, and perchance hinder that way and darken that path, in which we must tread before we know what other men have declared.¹⁰ It is necessary¹¹ that we should presently lay down what is the truth. And, as I presume, we come not hither now to dispute of Religion; far be it from the thoughts of the Church that hath thus long professed it now to dispute it. Shall posterity think that we have enjoyed our Religion fourscore years almost,

⁵ concerning. XI-5, II.

⁶ word. XII; Ψ5; FI.3-9.

⁷ Sir. Ψ1; FI.1.

⁸ to proceed in order. Ψ1.

⁹ Mr. Rouse my country-man. XI-8.

¹⁰ This punctuation in X5, II; FI.7; Stowe 361; R.O. Roman Transcripts. New sentence begun with *Before*. Ψ1; Thomason, E 198.

¹¹ therefore, added. XI-3.

* There has been a difference as to this allusion. Gardiner, who was inclined to rely upon the Verulam MS (XI) accepted without question the addition found in all the XI-8 MSS (Gardiner, vii, p. 37, n. 1) and believed Mr. Rouse to be the "countryman" intended. Forster thought the reference was to Coryton (Forster, *Life of Eliot*, II, 210) probably because the Crew version (Ψ1), upon which he depended, placed a speech by Coryton immediately before that by Eliot. Both Rouse and Coryton came from Cornwall, but it does not follow that either of them was referred to. It seems probable that Eliot meant to allude to the man whom he deemed the arch-enemy of the Puritan cause, the Lord Treasurer of England, who had represented Callington in the first parliament of Charles and Bodmin in the second. When Eliot spoke of "stay of proceedings," he was alluding to the fact that by the King's second message, the Commons had been prevented from meeting in Committee of Religion the day before. An examination of Eliot's own copy of his speech, as offered by Forster makes this point clear. Eliot says there: "I am glad that noble gentleman, my countryman, to the many excellent services he does, has added this: an interval of delay: this occasion to retard the course you were in." In the latter part of the speech it becomes even more evident that he is referring to the King's chief counselor. He alludes to "something lately declared" by which it is feared they "meant to deal with matters of faith." Here he is thinking of the King's phrase in his message, "Trench not on that which belongs not to you," and it was to that message he was going back in the first part of his speech. That message brought to his mind the man he deemed responsible for it, the Lord Treasurer, Richard Weston. He was taking this satirical way of alluding to the man who was causing most of the trouble for the Puritan party. On March 2nd he became even more bitter in his references to him. "I shall not feare to name the great Lord Treasurer in whose person, I fear, is contracted all the evill that we doe suffer . . . and I doubt not but to fixe it indubitably upon him: and so from the power and greatness of that person cometh the danger upon our religion" (pp. 259-60).

and are now doubtful of the sense? God forbid. It may be, Sir, out of something lately declared,¹² I have not unnecessarily collected, that there is a jealousy conceived, as if we meant to deal with matters of faith.¹³ It is our profession; this is not to be disputed, neither will that truth be receded from this long time held; nor is truth decayed, it is confirmed by Parliament¹⁴ because it was truth. And in this,¹⁵ Sir, before I come to deliver¹⁶ myself more particularly, give me leave, that have not yet spoken in this great cause, to give some apprehension that I have of fear; for it is not in the Parliament to make a new Religion, nor, I hope, shall it be in any to alter the body of the truth which we now profess.¹⁷ I must confess, Sir, amongst all these fears we have contracted, there ariseth (as it seems to me) not one of the least dangers in the Declaration that is made and published in his Majesties name. And yet, Sir, notwithstanding this conclusion, exclusively let me say, that I may not be mistaken, whatever in that or other things shall appear to carry mention of his Majesty, we have not the least suspicion or jealousy in¹⁸ him. We have that comfort in his piety and goodness, as if there be any misprision or error, I hope it is by those Ministers about him, which not only he but all Princes are subject unto.

And to clear that, that Princes are subject to misinformation, and many actions may be entitled to¹⁹ their names when there is no suspicion of it to be done by themselves, give me leave to look back to precedents of other times, and what I find in old²⁰ stories may be useful in this. Antiochus, King of Asia, sent his letters and missives to his Provinces, etc. that if they received any dispatches in his name not agreeable to justice, *Ignoto se literas esse scriptas, ideoque eis non parerent*. I find by Plutarch of the great Antiochus of Asia, who saith, that Princes are obnoxious to abuses of Ministers, and yet it could not at all times be prevented; and therefore he sent messengers and letters to all his Provinces, that if there

¹² delivered. XII, 15; Ψ1; Γ1, 7; Stowe 361; E 198.

¹³ that did not perhaps belong unto us, as to dispute of matters of faith, added. Ψ1.

¹⁴ but if I be not much mistaken, it was confirmed by Parliament, added. Stowe 361.

¹⁵ like Ψ1; E 198.

And as in this. XI, 3, 5.

And as this. Γ1.

And this. Stowe 361.

And as thus. Γ7.

¹⁶ declare. XI, 5.

¹⁷ in any to alter that, which we have, nor can be, nor shal lbe in others to alter that body of truth that we now profess. Stowe 361.

¹⁸ of. Ψ1; Γ1; E 198.

¹⁹ justified in. Ψ1.

²⁰ like X2.

other. XI, 5; E 198.

our. XI, 3, 10, 11; Γ1, 11.

written in those. Ψ1.

were any²¹ letters or dispatches sent under his name that came to them, that were not warrantable by law and agreeable to justice,²² it should²³ not be conceived²⁴ to be done by him, and therefore they should not give way to it. Sir, I find it in another book, and I beseech you let it be apprehended, for I hope it shall clear some misprisions.²⁵ Gratian did not only note and confess the same, but added the reason also, which the Masters of the Civil Law can testify from their books, wherein it is thus expressed, *Quod in verecunda potentium instigatione principes saepe trahuntur, ut non concedenda concedant*. Because that oftentimes with importunity of ministers and those about them, Princes are drawn to great things by them not fit to be granted; as it was in that, so it may be in this. I speak it to this end, to draw this conclusion, that if there be any thing that carries the title, it may be the fault of his Ministers; far be it from me to have the least suspicion of him.

And now to that particular in the Declaration, wherein I confess in me is an apprehension of more fear than I have in all the rest; for in the last of all the particulars²⁶ we heard what was said of Popery and Arminianism. It is true our Faith and Religion is in danger, but it is by degrees. Here, Sir, like an inundation it doth break in at once; that we are in danger to be ruined and overwhelmed; for I beseech you mark the ground of our Religion, it is contained in the body of these Articles. If there be any difference in the opinion concerning the sense and interpretation, the Bishops and the Clergy in the Convocation have power admitted to them to do any thing that shall concern the continuance and maintenance of the Truth professed; which Truth being contained in these Articles, and these Articles being different in the sense, so as if there be any dispute about it, it is in them to order which way they please; and for aught I know, Popery and Arminianism may be a sense introduced by them, and then it must be received. Is this a slight thing, that the power of Religion should be left²⁷ to the persons of these men? I honour their profession and their persons,²⁸ but give me leave to say, the Truth

²¹ messengers that, added. E 198.

²² Instead of and therefore he sent messengers . . . , and therefore he sent letters and missives under his name, that if any thing came unto them as from him which was not agreeable unto justice. XI-3,5.

²³ could. FI,II.

²⁴ counted. XI.

²⁵ I shall clear from misprisions. X3; ¶1.

I shall clear some misapprehensions. Stowe 361.

²⁶ like XI,2,5,10; Stowe 361 (except all our).

last particulars. ¶1.

all the particulars. FI,II.

rest of the particulars. XI5; E 198.

²⁷ must be drawn. XI5; ¶1; E 198.

²⁸ and honour the calling in the reverend bishops that stands for the truth of our Religion, but not those that are the contrary in opinion. ¶7.

and honour their calling in reverend bishop, but I honour not these men. FI,II.

that we profess is not mans but Gods, and God forbid that man should be made a judge of that Truth. Look upon the conclusion they have made, and from thence I draw their²⁹ arguments. I remember a character I have seen in a Diary of Edward VI, that young Prince of famous memory, wherein he doth express the condition of the Bishops and Clergy in his time, and saith, under his own handwriting, that some for sloth, some for age, some for ignorance, some for luxury, and some for Popery were unfit for discipline and government. Sir, I hope it is not so with us. Nay, give me leave to vindicate the honour of those men that openly show their hearts to the Truth. There are amongst our Bishops such as are fit to be made examples for all ages, who shine in virtue, like those two faithful witnesses in Heaven, of whom we may say that Elegy, which Seneca did of Caius, that to their memories and merits *Ne hoc quidem obstat, quod nostris temporibus nati sunt*. To whose memory and merit I may use the saying, that others faults are no prejudice to their virtue; who are so industrious in their works, that I hope posterity shall know there are men that are firm for the Truth.

But, Sir, that all are not such, so free, sound, and orthodox in Religion as they should be, witness the men complained of, and you know what power they have. Witness the man nominated lately, Mr. Mountague. I reverence the order, I honour not the man; others may be named as bad. I apprehend such fear, that should it be in their power, we may be in danger to have our whole Religion overthrown. But I give this for testimony, and thus far to express myself and my Religion against all the power and opposition of these men; and whensoever any opposition of these men shall come, I trust we shall maintain the Religion we profess, for that we have been born and bred in it; nay, Sir, if cause be, in that I hope to die.

Some of these, Sir, you know are Masters of Ceremonies, and they labour to introduce new ceremonies into the Church. Some ceremonies are useful; give me leave to join³⁰ in one that I hold both necessary and commendable, that at the repetition of the Creed we should stand up, to testify the resolution of our hearts, that we would defend the Religion we profess; and in some Churches it is added, that they did not only stand upright with their bodies, but with their swords drawn; and if cause were, to defend our Prince, Country, and Religion, I hope we should draw our swords against all opposers.

This I speak out of the care I have to preserve³¹ the honour of our King against those who, I fear, by these innovations of Religion may

²⁹ *other.* Stowe 361.

³⁰ Like X15; ¶1; F7.9.
join with you. F1.
add. X3.

³¹ *maintain.* ¶1.

have sought to undermine it. But to come to the manner and method of our proceedings, having made this excursion,²² wherein, if I have transgressed the rule propounded, I crave your pardon; I desire, to the end we may avoid confusion and distractions, that we go presently to the ground of our Religion, and lay that down a rule on which all may rest. Then, when that is done, it will be time to take into consideration the breakers and offenders against this rule.²³ But before we have laid down that, our work will be in vain. Therefore first lay down the proposition²⁴ wherein we differ from the Arminians, and in that I shall be ready to deliver my opinion, and this is my humble motion.

FRIDAY THE 30TH OF JANUARY

Upon this day a Committee of the Lower House went to the King in the Privy Chamber with the Petition for the Fast, and the Archbishop of York, after he had made a short speech showing the occasion of their coming, presented it to his Majesty in the name of both Houses; to which the King answered as followeth:

The Kings Answer to the Petition for the Fast.

My Lords and Gentlemen,

The chiefest motive of your Fast¹ being the deplorable estate² of the reformed Churches abroad is too true, and our duties are, so much as in us lieth, to give them all possible help; but certainly fighting will do them much more good than fasting. Though I do not wholly disallow of the latter, yet I must tell you that this custom of Fasts every Session is but lately begun, and I confess I am not fully³ satisfied with the necessity of it at this time; yet to show you how smoothly⁴ I desire your business⁵ to go on, eschewing, as much as I can, questions or⁶ jealousies, I do willingly grant your requests herein; but with this note, that I expect that this⁷ shall not hereafter be brought into precedent for frequent Fasts, except upon

²² expression. XII, 15; FI.

²³ in the next place, added. XI, 11, 15; FII; Stowe 361.

²⁴ profession. XI-3; 10, 11, 15.

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¹ Petition. VI.

² state. XI, 2.

³ so fully. XI, 11.

⁴ simply. XI.

⁵ our business. XI, 2.

things. XII.

⁶ and. XI.

all things that may cause. XI, 5.

⁷ the same. Cambridge, Gg. iv-13, f. 98.

great occasions. As for the form and time, I will advise with my Lords the Bishops, and then send you a particular answer to both Houses.

MONDAY THE 2ND OF FEBRUARY

The Lower House presented a Declaration¹ to his Majesty in answer to two messages by him to them sent; which Declaration followeth:²

Most Gracious Sovereign,

We have within these three days received from your Majesty two messages³ putting us in mind of our present entering upon the consideration of a grant of Tonnage and Poundage; but the manner of possessing the House therewith being disagreeable to our orders and privileges, for that and other weighty reasons⁴ we could not proceed therein; and finding ourselves, in your Majesties name, pressed in that business, and that we should give precedency thereunto, we cannot but express some sense⁵ of sorrow, fearing lest the most hearty and forward affections, wherewith we desire to serve your Majesty, are not clearly represented unto you. Besides, such is the solicitous care we have of preserving ourselves in your Majesties most gracious and good opinion, that it cannot but breed much trouble in us, whenever we find ourselves (as now we are) enforced to spend that time in making our humble apologies (from whence usually do arise long debates) which we conceive might be very profitably employed⁶ in the greater⁷ services of your Majesty and the Commonwealth, which we did with all diligence apply ourselves unto; and finding the extreme dangers wherewith our Religion is threatened, clearly presenting themselves to our thoughts⁸ and considerations, we thought, and do think, we cannot, without impiety to God, disloyalty to your Majesty, and

FEBRUARY 2.

¹ in form of a petition, added. X10.

² with an apology for not passing the Bill of Tonnage and Poundage, and their desire to proceed with Religion, added. ¶6.

Instead of this paragraph:

The Commons apology . . . [rest like ¶6 above]. ¶1,5,6.

The House of Commons presented this declaration following to his Majesty in answer to two messages by him sent. X12.

³ two several messages. X1.

⁴ causes. X1.

⁵ cause. X1.

⁶ like X15; ¶1.

spent. X1,2.

applied. ¶1.

⁷ like X1,2,15; Cambridge, Gg. iv-13, f. 98; St. P. Dom. 1628-29 vol. 133, no. 38.

great. ¶1; ¶1.

⁸ best thoughts. ¶1.

unfaithfulness⁹ to those by¹⁰ whom we are¹¹ put in trust, retard¹² our proceedings, until something be done to secure us in this main point, which we prefer even above our lives¹³ and all earthly things whatsoever.

And here we do with all humble thankfulness acknowledge your Majesties most pious care and princely intentions to suppress both Popery and Arminianism; the professors of the one being open enemies, and the maintainers of the other the more subtle and dangerous underminers of the true Religion of Almighty God established within your Realms and Dominions; the truth of which our holy Religion, or any part thereof, as being sufficiently known, and generally received here of all the members¹⁴ of our Church (except of some¹⁵ schismatical persons which have of late years taken the boldness to broach their own contrary and corrupt opinions) we desire should not be called into doubt or question. But howsoever it hath pleased your Majesty (to our exceeding great comfort) by many testimonies to declare your own constant resolution to maintain the said¹⁶ Religion; yet how your gracious purposes are therein crossed, and into what a miserable condition your whole Kingdom is likely by that means to be reduced, we shall earnestly endeavour (as that which doth most nearly concern the safety and prosperity of your Majesty and people) in such sort to discover,¹⁷ that the ruin thereby threatened to both, may by Gods blessing be prevented; being most heartily sorry that these occasions are offered which do thus hinder our proceedings. And therefore, as well for the dignity and necessity of the matter, as for that we conceive it to be the most speedy and effectual way, by uniting¹⁸ our hearts and endeavours, to dispatch all other businesses of importance (particularly those which seem more immediately to respect your Majesties profit), we pray that our resolutions of preferring this business before all others may be acceptable to your Majesty, to whom both in the matter and manner of our proceedings, we desire to give all possible satisfaction.

⁹ *unthankfulness.* Γ1.

¹⁰ like X1,2.

for. Ψ1.

from. X15; Γ1; Cambridge Gg. iv-13, f. 98.

¹¹ *sent and,* added. X15.

¹² *retract.* Harl. 2217.

¹³ like Ψ1; Γ1.

our selves. X1,2.

¹⁴ *professed members.* St. P. Dom. 1628-29, vol. 133, no. 38.

¹⁵ *except only by some.* St. P. Dom. 1628-29, vol. 133, no. 38.

except of only some. X15.

¹⁶ *said true.* St. P. Dom. 1628-29, vol. 133, no. 38.

same. X15.

¹⁷ *in such sort disordered.* Γ1.

¹⁸ like X15; Γ1.

by venting of all. Ψ1.

TUESDAY THE 3RD OF FEBRUARY

SECRETARY COKE reported¹ that himself and the rest² of the Committee³ attended his Majesty upon Monday, and also further said:⁴ For my part I have used all diligence to do all the commands of my Master and of this House,⁵ and yet I find some exceptions have been taken at some words by me used when I delivered⁶ the Bill of Tonnage and Poundage. Indeed I used many arguments in speaking of⁷ his Majesty. I said it much concerned him, and that his Majesty much desired it; but this was mistaken, as if his Majesty had commanded it; and I had required it in his name, which I did not intend but to avoid dispute; and I said not this was an ordinary revenue, but that this Tonnage was a means to enable his Majesty to set his fleet to sea.

After this apology, he read his Majesties Answer to the Declaration⁸ of the Lower House as followeth:

Gentlemen,

Your Declaration⁹ being somewhat long, may by reason thereof require some time to reply unto it, since that (as most of you cannot but judge) this giveth me no satisfaction; therefore I shall give you some short notes upon it. I cannot think that, whereas you allege that the Bill of Tonnage and Poundage was brought in against the privilege of your House, that¹⁰ you will offer to take so much privilege from every¹¹ one of our members, as not to allow them the liberty to bring in any bill whatsoever, though it be in your power, when it is brought in, to do with it what you think good. And I cannot imagine your coming together¹² only by my power, and to treat of things that I propound¹³ unto you, can deny me that prerogative to commend¹⁴ and offer any bill unto you; though in

FEBRUARY 3.

¹ After this declaration was read Secretary Coke reported. X1.3.
Secretary Coke reported after it was read. X13.

² others. X5.

³ for the service, added. X5.

⁴ Secretary Cokes excuse. ¶5.

⁵ cause. ¶8.

⁶ declared. X1.

⁷ for. X1-8,10.

⁸ petition. ¶1,2,4,6-11; ¶; ¶.

⁹ This Apology. ¶1.

This Answer. X1,15; ¶1; Cambridge Gg. iv-13, f. 98.

¹⁰ I wonder that. X2.

¹¹ any. X1,2,15.

¹² hither. X1.

here. X2.

¹³ expound. Cambridge Gg. iv-13, f. 98.

¹⁴ recommend. X2,15; ¶1.

this particular, I must profess,¹⁵ that this bill was not to have been offered unto you in my name, as that member of your House can bear me witness.

As for the cause of delay of my business being Religion, there is none of you shall have a greater care for the true preservation of it than myself; which, since it is confessed by your Answer, you must either think I want power (which cannot be), or that I am very ill counselled, if it be in so much danger as you affirm. Though I may say much of this point, I will say no more, but that for all this I shall not stop my ears to you upon this subject, so that in form and matter you transgress not your limits.

As for Tonnage and Poundage, I do not so much desire it out of greediness of the thing, being persuaded that you will make no great stop in it when you take it in hand, as out of a desire to put an end to those¹⁶ questions that daily arise between me and some of my subjects; thinking it a strange thing if you should give ear unto those complaints, and not to take the sure and speedy way to decide them. Besides I must think it strange that this business of Religion should be only a hinderer of my affairs; whereas I am certainly informed that all other things go according to their ordinary course. Therefore I must still be instant with you, that you proceed with this business of Tonnage and Poundage with diligence, not looking to be denied in so just a desire. And you must not think it strange¹⁷ if I find you slack, I give you such further quickening as I shall find cause.

SIR JOHN ELIOT.

Mr. Speaker, I confess this hath given¹⁸ me great satisfaction for¹⁹ our present desires and future hopes;²⁰ and howsoever I find the misinterpretation of some, and²¹ the danger of our Religion,²² yet I find that his Majesties ears are still open, and that if these things be thus as we see,²³ that then he²⁴ is not rightly counselled. I am confident we shall render his Majesty an account of what he expects.²⁵ But, Sir, I apprehend²⁶ a difference between his Majesties expression and the expression of his

¹⁵ confess. ¶1.

¹⁶ all. X2.

¹⁷ think much. XI,2; ¶1.

¹⁸ His Majesties Answer to our Petition concerning Religion hath given. Harl. 2217.

¹⁹ to. ¶6; ¶11.

²⁰ for the reformation of errors that are crept into our Religion, added. Harl. 2217.

²¹ in. XI,15.

²² and howsoever I find a difference between his Majesties interpretation and the interpretation of his ministers. ¶6.

²³ that Arminianism is so stiffly still maintained and other abuses still suffered, added. Harl. 2217.

²⁴ without doubt his Majesty. Harl. 2217.

²⁵ expected. Harl. 2217.
desires. X15.

²⁶ find. XI-8,11,15; ¶2; Harl. 2217.

Ministers; for,²⁷ Sir, that bill²⁸ was tendered here,²⁹ and again professed,³⁰ in his Majesties name, and now we find that his Majesty disavows it, and that he did it not. What wrong is this done to his Majesty and to this House, to press things in the Sovereigns³¹ name, to the prejudice and distraction of us all? I think him not worthy to sit in this House.³²

MR. SPEAKER. This honourable person did explain himself, that he did not press it in his Majesties name, but only commended it to your consideration.

SECRETARY COKE. I said, that in regard of the difference between his Majesty and his subjects, my desire was to accommodate it.

SIR HUMPHREY MAY. If you³³ be too³⁴ quick to except against the Ministers of his Majesty that serve his Majesty and this House,³⁵ it will discourage and stop our³⁶ mouths, whose service you daily command.³⁷

At the Committee for Religion³⁸

SIR JOHN ELIOT. For the way of our proceedings, to show the weight and unity³⁹ to all the world,⁴⁰ we have laid a good foundation. I collect, out of the late⁴¹ dispute of the particulars about the Articles of Lambeth, that the difference was in the manner of the⁴² use of them, but all did profess the truth and worth of them. At which unity in⁴³ all our

²⁷ first. Φ 1,3-5.

²⁸ the Bill of Tonnage and Poundage. Harl. 2217.

²⁹ to us. Harl. 2217.

³⁰ pressed. X4,9.

³¹ Majesties. X3; Ψ 8; Γ 1,5,7-9.

³² place. Γ 2.

³³ we. X3,9.

³⁴ so. X1-8; Ψ 5.

³⁵ like X1,2,4,9; Φ .

the ministers of his Majesty and his household. Ψ 9; Γ 2-6,8.

the ministers of his Majesty that serve his household. Γ 1.

the ministers of his Majesty that serve his Majesty and his household. Γ 11.

the ministers of his Majesty that serve, and this House. X3.

the ministers that serve his Majesty and his household. Ψ 5,6,8.

the ministers of his Majesty and this House. X5; Γ 7,9.

his Majesties ministers that serve his Majesty and his household. X11,15.

³⁶ their. Ψ 5,6.

³⁷ commend. Γ 1; Φ .

³⁸ Then Sir John Eliot in the afternoon at the Committee for Religion made this speech. X14.

³⁹ duty. X11,15.

⁴⁰ Instead of to all the world, therefore. Harl. 2217.

⁴¹ like X9,11; Harl. 2217.

last. X1-8.

⁴² of the. X11; Φ 2,4,5.

or. X2,4,5,10.

about. Φ 3.

and. X1; Harl. 2217.

⁴³ with. X1,11,15.

hearts, we may rejoice; whereas the enemies abroad give out that we are at faction among ourselves; whereas all of us take them for granted, not only to make use of them to oppose our adversaries, but also for the worth of them. Let us boldly rely on the ground⁴⁴ already laid. Let us look on⁴⁵ them that have offended us in this our truth, which I hope we shall live in and die in if there be cause. Are there Arminians (for so they are properly called)? look to those,⁴⁶ see to what degrees they creep.⁴⁷ Let us observe their books and sermons, let us strike at them,⁴⁸ and make our charge at them, and⁴⁹ vindicate our truth that yet seems obscure; and if any justify⁵⁰ themselves in their new⁵¹ opinions, let us deal with them, and then testimony⁵² will be needful; our truth is clear, our proofs will be many, and if these parties will dare⁵³ defend themselves,⁵⁴ then seek for proof.⁵⁵

The Remonstrance of the last Parliament was read in part about the Arminians, and also his Majesties Declaration printed with⁵⁶ the book of Articles, and the Proclamation against Mountague, Bishop of Chichester, for the suppressing of his book.

MR. KIRTON. The two great Bishops named⁵⁷ are the main and great roots.⁵⁸ Let us inquire what men they have preferred.⁵⁹

MR. CORYTON. The Declaration now read⁶⁰ came from his Majesty, but it is by the advice of some of his clergy;⁶¹ and surely they have not

⁴⁴ foundation. Harl. 2217.

⁴⁵ like X9,11; ¶2.3.

to. X1-8,10; ¶1.4.5.

out. Harl. 2217.

⁴⁶ this. X15; ¶.

⁴⁷ And for the Arminians (for so may our new upstart doctors of their doctrines be properly called) look to them, see to what degrees they creep. Harl. 2217.

⁴⁸ let us search. Harl. 2217.

⁴⁹ to. Harl. 2217.

⁵⁰ dare to justify. X15; Harl. 2217.

⁵¹ false. Harl. 2217.

⁵² and these testimonies. X.

⁵³ stand to. Harl. 2217.

⁵⁴ will oppose them. X15.

⁵⁵ it will be good for them to bring better proof if they can. Harl. 2217.

⁵⁶ in. X11,15.

⁵⁷ viz., Mountague and Laud, added. X2.4.

in the Remonstrance, added. X1.3.

⁵⁸ of all those evils which are come upon us and our Religion, added. ¶1.

⁵⁹ they have presented. ¶4.

have been preferred. ¶2.3,5-7,9.

have been preferred of the clergy, and how. ¶1,12.

⁶⁰ before mentioned. ¶6.

⁶¹ of some of his clergy, X2-5.

of his clergy. X11. ¶2-11.

from his clergy. X9.

of the clergy. ¶1.

of his ministers. ¶1-6,8-12.

from his ministers. ¶7.

advised⁶² the right way, that no dispute of⁶³ preaching must be one way or other, this is to suppress the truth; and yet the contrary professors are preferred⁶⁴ in the Church, to the grief of all good men.

SIR WALTER ERLE. Mountague is a principal⁶⁵ disturber of the Church. He was⁶⁶ a Bachelor of Divinity, I would know⁶⁷ how he came to be a Bishop. Two men are named in the last Remonstrance that are Privy Counsellours, and it is very probable that those ecclesiastical officers did give that advice to the King.

SIR HUMPHREY MAY. I will let you know what I am privy unto.⁶⁸ It is true those two were named in the Remonstrance; this point was pressed before the King and his Council. The King did utterly dislike those novellers;⁶⁹ then were these two Bishops, with tears in their eyes, present, and protested they hated those opinions and the questions; and they renounced them upon their knees.

SIR JAMES PERROTT. It is said that these two Bishops were before the Council on their knees, and with tears in their eyes did disclaim the opinions, but we see their facts. The Bishop of London, Doctor Laud, did entertain for his chaplain in his household one⁷⁰ that did dispute the Arminian points, who said, What the Arminians hold and write, this I will maintain and do believe; this I will justify upon my oath.⁷¹

It was ordered that the complaint against Mr. Mountague should be taken into consideration, and that a committee should make search after the pardons.⁷²

WEDNESDAY THE 4TH OF FEBRUARY

A Bill preferred that no clergyman shall be in Commission for the

⁶² him, added. ¶1.

⁶³ or. X2-15; ¶4,6,8,11.

⁶⁴ maintained and preferred. X3.

⁶⁵ chief. X1.

⁶⁶ long since, added. ¶2.

⁶⁷ would gladly know. X1,3.

would fain know. ¶3.

desire to know. ¶1.

⁶⁸ I will tell you what I am privy unto in this point. ¶1.

⁶⁹ novelties. ¶1-9,11.

⁷⁰ ¶1 leaves a blank space here for the name.

⁷¹ like X; ¶.

And this Sir James offered to justify upon oath. ¶1.

I will maintain and justify upon my oath. ¶1,5,6,8,10.

I will maintain and justify: this I will justify upon my oath. ¶2,3,4,7,9,11.

⁷² granted to the clergy, added. ¶.

Peace, except Bishops, Deans, Vice-Chancellors of both the Universities, etc. within their several jurisdictions.

Dr. Reeves which sat as judge upon the conservation [confirmation] of Mr. Mountague, called in and examined, saith, That objections were offered *ore tenus*, and after offered in writing, but he rejected the same because they had not an advocates hand; and upon the whole saith, he durst neither admit of any objections for the present, nor give time for the same upon pain of praemunire by the Statute.

Dr. Talbot and Dr. Steward are assigned for counsel with one Jones the printer in his cause.

MR. SELDEN. The point considerable is not whether Dr. Reeves hath done well or ill, for he did but as any discreet man would have done; but the point is now whether Mr. Mountague be a lawful bishop or no. Neither is the question to be debated whether the exceptions be lawful or no, but being legal of what force they be to hinder the confirmation of a bishop. All which is agreed, and Dr. Reeves for the present is discharged.

A Petition is preferred by Thomas Ogle against Dr. Cosin, with Articles annexed thereunto, tending to the introducing of Popish doctrine and Popish ceremonies into the Cathedral Church at Durham.

SIR. EUBULE THELWALL. There were two affidavits that Cosin should say, That the King had no more

A petition was¹ preferred against Cosin.²

[See Feb. 6th. The House being. . .

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¹ at the first sitting, added. ¶1,12.

² against one Cosin. XII; 15.
for divers crimes, added. ¶2.

to do with Religion than his horse-keeper; and that by the appointment of Mr. Attorney these affidavits were taken, and he said, to the end a bill in Star Chamber might be filed against him. But since Cosin hath his pardon; and the King was told it was only raised by the spleen of some Puritan.

MR. SHERVILLE.^a Desired that search might be made for the pardons. There were four pardons granted under the Great Seal to Mountague, Sibthorpe, Cosin, and Manwaring; it pardons all treasons, praemunires, errors, erroneous opinions, and all false doctrines, scandalous speeches or books, and all offences by word and deed, all corrupt contracts, etc., treason to the person of the King and witchcraft only excepted.

MR. ROUSE. Here are four persons that have made the Commonwealth sick; thus by the physic you see the diseases; but I conceive there is¹ other physic to be ministered to those rotten members, for questionless this is not to be cured but by cutting off those members.

MR. KIRTON moved that the procurers of these pardons might be enquired after,² that it might be seen who gave order to the Signet for the going³ forth of those pardons, for questionless there are Cosins at Court too.

SIR ROBERT PHELIPS. If ever any King was abused, it was our

MR. SHERLAND^a made report from the Committee about the search for the pardons, that they found four pardons sealed, one to Bishop Mountague, one to Cosin, one to Dr. Manwaring, and one to Dr. Sibthorpe.

SIR ROBERT PHELIPS. If ever there came here any business of

¹ *is no.* ¶2,6.

² *found out.* ¶2,3,6.

³ *getting.* ¶2,6.

^a According to both Nicholas (pp. 132, 139) and Grosevenor (p. 174), Sherfield was chairman of this committee. *feld* and *vile* were used interchangeably as the termination of a proper name; many examples could be given.

King in granting those pardons; we would save the time of doing anything if this be not searched⁴ to the bottom. The goodness of our King is much abused. I desire Mr. Attorney may give account by what warrant he drew these pardons, so shall we find out those that misled the King to the heart-grief of us all. It is high time to find out all these things.

A committee was hereupon named, to enquire who have been the solicitors and procurers of these pardons.

SIR EDWARD GILES. I know not what prevention may happen in this, for questionless the Devil of hell hath his hand in it. Therefore

be searched. ¶2,6.

the like consequence, I have lost my memory. If ever King³ of England was abused in his mercy, it is our King. What persons are pardoned?⁴ even the greatest enemies to the Church and State, that ever were standing under the judgment of Parliament, and they are pardoned between Parliaments. If every man be not warned to search this into the bottom, I would they were; if we neglect this, we regard nothing.⁵ You see an offender⁶ complained of, and instead of punishment, grace; the goodness of our King is thus abused.⁷ Let a select committee consider of it, and let Mr. Attorney certify⁸ what is done,⁹ and by whom, and I hope we shall find those original¹⁰ instruments who misled his Majesty.

It was ordered that a subcommittee should have power to send for the records and Privy Seal, and other incidents¹¹ belonging to the pardons, and to send for the parties, and also to send to Mr. Attorney about his knowledge herein, and by whose

³ any king. X3.

⁴ preferred. X1.

⁵ like ¶1,12.

I would we should never regard anything. X1-10, 15; ¶5,6,8-10; ¶2-4.

same with if we did not regard this, added. X1,9,10.

I would we would never regard anything. X11,15; ¶2,3,7,11; ¶5,8,11.

I would we might never regard anything. ¶1,6,7, 9,10.

⁶ offenders. ¶1,12.

officers. X1.

⁷ much abused. X3.

⁸ signify. ¶2-4.

⁹ herein, added. ¶1,12.

¹⁰ find out the whole pack of their benefactors and countenancers, and who are the original. X3.

¹¹ instruments. ¶1,7-10.

other records incident and. X11.

presently let us send for Mr. Attorney. Which was ordered.

SIR JAMES PERROTT complaineth further of some⁵ instruments of the Bishop of London and Dr. Turner, who denied the license of printing the Articles of Ireland; that divers books have been desired to be licensed⁶ by the Bishop of Londons chaplains, and they refused⁷ the same, declaring they are of a contrary opinion, and have given license to Mr. Cholmley and Mr. Butterfield, and therefore would not give license to these.

MR. PYM doth make a full report of all the proceedings against Mr. Mountague, since the last Parliament of King James.

SIR ROBERT PHELIPS reported from Mr. Attorney, that my Lord of Dorset spoke to him to hasten the pardons, and that he received a warrant from the King for drawing them; that my Lord Carleton brought another warrant from the King for drawing these pardons, telling him, that he must make expedition therein, and⁸ he must draw the same as the Counsel of the parties did direct the same. That Mr. Attorney having made a rough draft, being often urged to expedition by the Bishop of Winchester, he sent the same to the Bishop, who interlined and corrected

signification¹² the pardons were obtained; which was done accordingly.

SIR ROBERT PHELIPS made report that he went to Mr. Attorney, and found him in the Star Chamber, and acquainted him with the message. He answered, that he received a command from his Majesty in the last long vacation, presently after the end of the last Session, to draw a pardon; and delaying¹³ it until Michaelmas term,¹⁴ he said that he met with the Bishop of Chichester,¹⁵ who intimated unto him his Majesties favour,¹⁶ and requested¹⁷ him to draw his¹⁸ pardon. Mr. Attorney said he desired him to advise him whether it would be any advantage to him or

⁵ the same. ¶3.

⁶ have been licensed. ¶1.

⁷ then refuse. ¶1.

⁸ for. ¶2.
found. ¶6.

¹² solicitation. X1,2.

¹³ deferring. ¶2-4.

¹⁴ following, added. ¶1,12.

¹⁵ Winchester. ¶2,5,6,8,9; ¶2-4,6.

¹⁶ pleasure. ¶1,12.

¹⁷ required. X11,15; ¶1,3,8,12.

¹⁸ the. ¶1,5,12.

the same, adding the names of Cosin, Manwaring, and Sibthorpe to the pardon.

no. Afterwards¹⁹ he met with a great Lord and a Privy Counsellor (the Earl of Dorset) who asked him if the pardon for the Bishop of Chichester²⁰ were drawn, and desired him to dispatch it. After this, he said, the Lord Charlton sent to him a warrant under the Kings hand to command him to draw the pardon,²¹ which he did; and sent it to the Bishop of Winchester,²² who interlined it.²³ And whereas²⁴ the pardon was but for one, he put in four, Mountague, Cosin, Sibthorpe, and Manwaring.

That Mr. Attorney may be asked whether any of these Lords were made acquainted with the affidavit about Cosin. A messenger is sent to the Lord Keeper, to know the reason wherefore he made stop of the Great Seal to those pardons, and by what solicitations he was prest thereunto.

THURSDAY THE 5TH OF FEBRUARY

A petition in complaint of an imposition¹ upon malt by the City of London, was this day preferred to the House, which is referred² to the Committee for Grievances. Some differences being observed in the articles, as in the twentieth article,

¹⁹ Afterwards Mr. Attorney told him. ¶1,12.

²⁰ Winchester. ¶2,5,6,8,9.

²¹ commanding him to dispatch it. X3.

²² Chichester. XI-10,15; ¶15.

²³ and after it was drawn, the Bishop of Winchester sent to see it, and interlined it. ¶1; ¶12 (except Chichester).

²⁴ Mr. Attorney had drawn, added. ¶1,12.

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¹ set, added. ¶3.

² preferred. ¶1,2,6.

etc., a Committee is to compare the old and new articles with the records at Lambeth, and consider how all those differences come in.

MR. LONG complaineth, that a prosecution hath been against him in the Star Chamber for sitting in this House the last Session, he being High Sheriff of Wiltshire, and being chosen burgess of Bath in Somersetshire.

This business is ordered to be debated on Monday next.

SECRETARY COKE saith, he hath very now received from a noble person this message from his Majesty, that he hath appointed the eighteenth of this month for the Fast for this place, and the twentieth of next month for the whole kingdom.

The preachers are to be chosen tomorrow at the Committee for Religion.

Mr. Ogle is called, who averreth his petition, and will prove the same by witnesses.

It is ordered, that Cosin shall have intimation to attend to answer here if he will on Monday come fortnight, to be sent for by a Serjeant at Arms, and if he be not in^s the Convocation; but if he be, then to have notice by the Speakers letters, and if thereupon he appear not, then to proceed with him as is usual in the like case.

^s of. 41.

SECRETARY COKE brought the Kings answer¹ concerning the Fast, viz., That it was his Majesties pleasure, that the Fast should be kept by both Houses of Parliament and for the cities of London and Westminster on the eighteenth day of this instant February, and for the whole kingdom the twentieth² of March next.

¹ to the House, added. F1

² 19th. X9.

If witnesses be sent for to this House in any public business, they are to bear⁴ their own charges.

SIR ROBERT PHELIPS moveth in the behalf of the Lord Purcy, that having a cause in dispute in the Lords House, and three members of this House being of his counsel, desires they may have leave⁵ to plead his cause. Which being conceived to be a cause⁶ that is not to receive any judgment here, it is granted.

FRIDAY THE 6TH OF FEBRUARY

A petition exhibited against one Wittington a Papist in Northumberland.

Ordered to be sent for by a Serjeant at Arms.

Mr. Harris of St. Margarets Westminster, Mr. Harris of Hanwell in Oxfordshire, Mr. William Fitz-Jeoffery of Cornwall, are chosen for three preachers for the day of the Fast, and for the precedence it is referred to the preachers themselves.

⁴ pay. ¶1.

⁵ whom he desires may have liberty. ¶3.

⁶ case. ¶3.

FEBRUARY 6.

One Witherington was petitioned against,¹ who had formerly been examined before the Lords of the Council,² for depraving of our Religion, oftentimes calling³ the Protestants heretics, wishing that a hundred of their throats were cut; and to one that had been a Papist, and was lately turned to our Religion, he said, He would be hanged, and otherwise disgraced him.

It was ordered that he should be sent for.

¹ The House being informed by petition against one Witherington. ¶1,12.

² Privy Council. ¶6.

³ and had since called. ¶1,12.

MR. SHERVILE reported, one Parson Scall¹ procured² the pardon for Mountague, one Bartholomew Baldwin solicited the pardon for Manwaring. There is also another pardon found to be granted to Manwaring, pardoning the judgment lately given by the High Court of Parliament, and all sums due to the King thereby.

SIR NATHANIEL RICH. That we may do somewhat that may give contentment to those who sent us hither, and make expedition to the business of his Majesty and the Commonwealth; that therefore the business of Mr. Mountague may be expedited to the Lords, that they may enter into these things as well as we.

The Counsel of Mr. Jones the printer are to be heard upon Monday next.

[See *Sir Eubule Thelwall on February 4.*]

SIR ROBERT PHELIPS reported from the Committee sent to Mr. Attorney, that Mr. Attorney said for the affidavits taken by Sir Eubule Thelwall, that one Heath, a gentleman of Grays Inn, told Mr.

The House being informed⁴ about two days ago that, a little before Cosin obtained his pardon, he was accused to Mr. Attorney by two witnesses for speaking words against the King;⁵ whereupon Sir Robert Phelips and others were sent to Mr. Attorney about it.

Report was made by Sir Robert Phelips unto the House as followeth:

SIR ROBERT PHELIPS. My part is to give you an account about⁶ the affidavits against Cosin, and the diversion of the cause⁷ against

¹ *Skull.* ¶3.

² *solicited.* ¶2,3.

⁴ *by Petition, added.* ¶5.

⁵ *for saying in a public meeting that the King had nothing to do to be head of the Church, and that he had no more power to excommunicate than his servant that rubbed his horses heels.* ¶5.

⁶ *concerning.* X2-4.

⁷ *course.* X2,5,9,11; ¶3,5,6,9; ¶2-12.

Attorney that Cosin should say, that the King was not supreme head of the Church, and that he had no more to do with Religion than he that rubs his horses heels. Mr. Attorney acquainted the King hereof, whereupon the King charged him to make a strict inquisition herein; but the King would not believe the same to be true. Mr. Attorney sent for his kinsman again, and being examined again he said so, as the affidavits were made thereon. There was further certificate from the Dean and others at Durham, so that the business was much lessened thereby; but Mr. Attorney pressing the business further,^a casually met with the Bishop of Winchester, who said to Mr. Attorney, that this business would come to nothing, and King, that made the affidavit, was but a vain fellow.

him in the Star Chamber. Mr. Attorney said that one Mr. Heath of Grays Inn came to him about Michaelmas Term,^b and affirmed that Cosin in a public meeting^c said, that the King had nothing to do to be head of the Church, and that he had no more power to excommunicate than his servant that rubbed his horses heels. The Attorney acquainted his Majesty therewith, but his Majesty was not willing to believe that any man would dare to say so much, but that^d the complaint did arise from malice. Yet he charged the Attorney to make a careful inquisition^e thereof, and if it were strongly proved,^f that then he would repair to his Majesty. Mr. Attorney did again inquire after this business, and said unto Mr. Heath that the matter is found foul and very improbable, there is some mistake in it. Thereupon there were two affidavits taken, and they did swear it point blank. Yet^g Mr. Attorney sent his letters to Mr. Deane and others that were present when the words were spoken,^h to require them to certify whether theⁱ words were spoken or no. Upon that^j certificate there was found

^a *last, added.* ¶1,12.

^b *audience.* ¶2-4.

^c *but conceived that.* ¶1,12.

^d *disquisition.* XI,3,9,11,15; ¶2-5,7-11; ¶.

^e *probable.* X; ¶1,3,5,6,8,9; ¶2,5,6.

^f *Nevertheless.* ¶1,12.

^g *at the same time.* ¶2-4.

^h *such.* ¶1,12.

ⁱ *their.* ¶1,12.

^a Mr. Attorney was not pressing the business, but instead had dropped it. See the parallel account, also Grovenor (pp. 174-75) and Nicholas (p. 130).

The affidavit of Thomas King was read, which verifieth the same.

MR. SELDEN made the rest of this report, and delivered the warrant by which Mr. Attorney drew the pardons for the Bishop of Winchester. The effect was, that what Mr. Mountague had done or writ was not out of any ill meaning; such a pardon should be drawn as Mr. Mountagues Counsel should direct. This warrant was under the Lord Dorchesters hand, being the Lord Carleton.

Mr. Selden delivered likewise the^a copy of the pardon interlined and razed by the Lord Bishop of Winchester.

SIR JOHN ELIOT. Here is high treason upon oath, a deposition upon oath, an opposition^b is not in law

some variance about the¹⁷ words, and thereby the business was lessened. And being demanded¹⁸ if¹⁹ he had directions from any to desist,²⁰ he said,²¹ No; but casually he met with the Bishop of Winchester,²² and he told him of the complaint.²³ The Bishop said,²⁴ it will be nothing, for King, one of them that made²⁵ the affidavit,²⁶ is a baggage-fellow.

SIR JOHN ELIOT. It is our honour and duty not to pass these things over too slightly. I find²⁷ the

^a ¶3.

¹⁷ these. ¶1.

¹⁸ asked. XI; ¶6.

¹⁹ whether. XI.3.

²⁰ any directions to desist from the suit intended in the Star Chamber against Cosin. ¶1,12.

²¹ answered. ¶1,12; ¶5.

²² Chichester. XI-5; ¶12.

²³ said business. ¶1,12.

²⁴ To which the Bishop answered. ¶1,12.

²⁵ that one that made. XI.

one that made. XI; ¶3,5-9.

²⁶ one of the defendants. ¶2-4.

²⁷ said. XI.

^b This should read a deposition . . . in opposition. See Grosevenor (p. 175).

to be admitted; for here is not only an admission, but an invitation of⁴ certificates for defence, and allowed to sway the case⁵ of so high a nature; that therefore the parties that made the affidavits and Mr. Attorney may be examined, to make a better disquisition in this, for I fear the intimation⁶ of the Bishop of Winchester swayed too far with Mr. Attorney. Be the matter true or false the neglect of the duty of Mr. Attorney is not to be⁷ excused. I am much grieved to see his Majesties mercy run so readily to these kind of persons and his justice so readily upon others, trifling occasions, nay upon no occasions, only the misinformation of some Minister.

Kings honour and his right is in question which we are all sworn to maintain.²⁸ If I mistake not, it is high treason; and that proved²⁹ upon oath, and presented unto the Attorney. His Majesty was acquainted with it, who gave command to examine it, and the Attorney was to certify his Majesty.³⁰ In ordinary felonies the law doth not allow oaths contrary to the proceedings for³¹ the King; here,³² against two affidavits, a letter and a certificate must dash them all. The Attorney informed³³ the Bishop of Winchester³⁴ with it, who said he heard of such a complaint against Jack Cosin but it was upon malice.³⁵ Let³⁶ the persons³⁷ that made these affidavits be sent for,³⁸ and let Mr. Attorney be sent for to answer why he passed the matter over so slightly. Consider the person of the man in question, who was not only suspected, but charged as criminous, and one that is so obnoxious.

It was ordered that the witnesses should be sent for.

^{10.} ¶3,5.

¹¹ cause. ¶3.

¹² invitation. ¶3.

¹³ excluded nor, added. ¶3.

²⁸ maintain, only in ¶1,12.

²⁹ by two witnesses, added. ¶2.

³⁰ and this was given upon oath, presented by the Attorney to his Majesty, who gave him command to examine it, and then to certify his Majesty of it. ¶1,12.

³¹ of. X5; ¶2.

against. X1.

³² but here. ¶1,12.

³³ acquainted. X11; ¶7.

acquaints. ¶1,12.

³⁴ Chichester. X1-8; ¶12.

³⁵ who takes it to be but a matter of malice. ¶1,12.

³⁶ I desire. ¶1,12.

He moved that. ¶5.

³⁷ parties. ¶5; ¶11.

³⁸ may be sent for and examined. ¶1,12.

Mr. Attorney being by writ to attend the Lords House, cannot be enjoined to attend this House, or to appear upon⁸ warrant; wherefore Mr. Littleton and Mr. Selden, being of the same Inns of Court, have undertaken to give notice to Mr. Attorney, that there being an accusation against him, he may here answer and satisfy the House on Monday next.

It was moved³⁹ that Mr. Attorney should be⁴⁰ sent for, but they made a question whether they could send for him or no, if⁴¹ he attended by writ in the Lords House. Thereupon it was ordered that intimation should be given him to be there on Monday next to give satisfaction to the House for his not proceeding against Cosin, having two affidavits that he spake the words that were objected against him.⁴²

SATURDAY THE 7TH OF FEBRUARY

A bill against spiritual simony, and a bill against buying or selling of places of judicature.

MR. KIRTON moved, that a time may be appointed to take into consideration the business of Tonnage and Poundage.

SIR WALTER ERLE secondeth the motion, that all the world may know that we will give to God those things that be Gods, and to Caesar those things that be Caesars, and to our Country those things that be theirs.

MR. WALLER moved, that the merchants may have their goods, and that his Majesty may be moved therein.

It was ordered that on Tuesday^a next, the House, in the Committee, shall take into consideration the business of Tonnage and Poundage, and all things incident thereto.

⁸ by. ¶2,6.

³⁹ ordered. ¶8,9.

⁴⁰ have been. X2-5.

⁴¹ because. ¶1,12.

⁴² having as good a ground for it. ¶1.

Mr. Shervile is nominated to take the Chair of the Committee.

SIR ROBERT PHELIPS reported from the Committee for Course^b of Justice: A petition of complaint was exhibited by Mr. Noy,^c a member of this House, against Sir Ed. Mosley, Attorney of^d the Duchy Court, and his man, in point of injustice;^e that Mosley covenanteth that his man Brograve should have 80 pounds, and then he should have an injunction; but the Chancellor having intimation thereof prevented the same, yet after by covenant, Mosley procured his man 50 pounds; that this was an ordinary course, citeth many particulars,^f that Mosley would in his private chamber add to orders, or detract from them, or that was for the King, or against the King, as men would come to him.

This is referred to a Committee to be examined.

MR. SELDEN, reported from the examination of Allen, for so much as concerneth the privilege of this House, by the first and third article against him. This justified by a letter written by Allen to Mr. Barton, the Puritan faction denied supply like water-men provoked to war, rowed another^g way; for his author in^h this he produceth aⁱ

^a in. §3.

^b justice. §2,6.

^c precedents. §3.

^d the other. §2,6.

^e of. §1.

^f the. §2,3,5,6.

^g Courts. Grosvenor p. 177; C.J. 1:927.

^h Noell. Grosvenor p. 177. Nowell. C.J. 1:927.

book set forth by King James, in the 19th year of his reign, page 13,⁷ to show how the Puritan faction be clear, by⁸ mentioning the particular members of the Commons House, and page 5, etc. in the same page all which they cloak with Religion; and when he had boldly insisted on this,⁹ he said, I pray note it, It is not this Parliament I speak of, it was another.

SIR ROBERT PHELIPS. That he may be sent to the Tower, and that he may stand in some public place, with a paper declaring the cause, or such other punishment as the House shall think fit.

MR. PYM. That other matters of greater importance being under examination, he may for the present rest in custody, and I doubt not but there is matter sufficient to inflict further punishment.

Ordered that Allen shall first answer his contempt at the Committee for Religion, on Monday next.

MR. SHERVILE. That the Committee for Pardons is *sine die*, therefore he moveth for another day. Whereupon it is ordered that they shall meet¹⁰ this afternoon.

MR. SELDEN reported the draft of Mr. Mountagues interlined pardon, concerning the additions more than an ordinary Coronation pardon, except sundry causes depending in the three Courts in Westminster-hall, and the High Commission Court. For Manwaring, all

⁷ page the 11 and 13th. ¶3.5.

page 10 and 13. ¶2.6.

⁸ clearly, added. ¶3.

⁹ these. ¶1.

¹⁰ all, added. ¶2.6.

offences for times past and times to come.

SIR JOHN STANHOPE moveth, that Mr. Lynne,^d a member of this House, and secretary to the Bishop of Winchester, may look on the pardon, and be enjoined to declare whether he know the hand or no.

Mr. Lynne declareth the interlined particulars to be part his Lords hand and part his own hand by his Lords command; yet some of the interlined particulars he knew not the hand.

SIR NATHANIEL RICH thanked this gentleman for dealing so clearly with the House, and saith, for his encouragement, he deserveth thanks from the whole House.

SIR JOHN ELIOT moveth, That a select committee may extract a charge against the Bishop of Winchester, that we may have judgment against him.

[See speech given at end of day.]

SIR DANIEL NORTON. That a Doctor of Divinity, in the Bishop of Winchesters diocese, being a very grave divine, Dr. Moore, the Bishop of Winchester said to him, he had often heard him preach before the Kings Majesty against Popery, which was very pleasing to the King, but now he must not. The Doctor answered that he must if it comes his way: said the Bishop,

SIR DANIEL NORTON¹ informed the House, that one Dr. Moore attending the Bishop of Winchester,² upon an³ occasion the Bishop told him, that he had oftentimes heard him preach before King James, and that he used to preach against Popery, which he said was well liked of them, but now (said he) you must not do so. Whereupon the Doctor said,⁴ that if occasion served, he

¹ Sir Dudley North. F.
Dr. North. X13.

² Chichester. X3.

³ some. X3.

⁴ answered. Ψ1,12.

^d Lively. Grosvenor p. 179.

you must not; and further your tables in the choir stand as in ale-houses. The Doctor replied, they stood according to law: said the Bishop, there be Articles to the contrary: said the Doctor, the Register found it contrary, saying, Your tables at Winchester stood as altars.

SIR ROBERT PHELIPS. Thus you see how truth in the discovery doth grow upon us. And now you see how the introducing ceremonies at Durham doth arise; and now you see¹¹ the greatest aspersion laid on his Majesty that ever I heard of; and now I am confident the Bishop of Durham procured the Kings hand to the pardons.

CHANCELLOR OF THE DUCHY. This trencheth high to¹² the person of the King, and I am glad to hear it,¹³ and shall be more glad to see it proved.

SIR THOMAS HEALE saith, he heard these words from Dr. Moores own mouth; and asking him if he would prove this in Parliament, he

would not spare to do the like now.⁵ To whom the Bishop further replied, then⁶ the times were⁷ not the same, and therefore now you must⁸ not.⁹

SIR ROBERT PHELIPS said, By this you¹⁰ may guess¹¹ that this Bishop¹² had a hand in setting up those ceremonies in Durham, and that he bears¹³ good will towards them, labouring to make Durham and Winchester synonymous. This reflects upon his Majesty as if his Majesty should not be pleased¹⁴ that men¹⁵ in their preaching¹⁶ should¹⁷ refel and repel Popery.

¹¹ see how. ¶2.

¹² upon. ¶2.

¹³ of it. ¶2.

⁵ still. ¶1,12.

⁶ that. XI5; ¶1,3,5,6,9,12; ¶3-7,9,12.
omitted XI-4; ¶2.

⁷ are. XI-4.

⁸ may. XII.

⁹ do so as you have done, added. ¶12.

¹⁰ we. X3.

¹¹ see. XI,4; ¶6.

¹² still bears. ¶1,12.

¹³ were not pleased. XII.

should dislike. ¶1,12.

should be pleased. X9; ¶2,3,5-9.

¹⁴ ministers. ¶1.

¹⁵ proceedings. ¶3.

¹⁶ should not. X9,11,15; ¶2,3,5-9; ¶4.

*i.e. Neile formerly Bishop of Durham and at this time of Winchester.

said, he would maintain it with his life.

MR. VALENTINE saith, That this Bishop hath a chaplain in Grantham, that preached they were all damned that refused the loan,¹⁴ and that he hath made a great combustion in placing the Communion Table there.

SIR JOHN ELIOT. In this Lord¹⁷ is contracted¹⁸ all the danger¹⁹ we fear; for he that procured those pardons, may be²⁰ the author of these new opinions. And I doubt not but that his Majesty being informed²¹ thereof, will leave him to the justice of this House; and I hope these exhaltations will not raise jealousies betwixt his Majesty and us. Let the Doctor be sent for to justify it; which was ordered accordingly.

The Speakers letter is to go for Dr. Moore.

MONDAY THE 9TH OF FEBRUARY

A petition was preferred in complaint of¹ the postmasters' patent of London, which is referred to a committee.

Mr. Speaker delivered from Mr. Attorney a narration² in writing of his proceedings in Cosins business.⁴

SIR JOHN ELIOT reported from the Committee for the examination of the merchants business, that the Committee finding³ Sheriff Acton in⁶ prevarications and contradictions in his examination, which being con-

¹⁴ form. Φ2.

¹⁷ Lord. Φ1.

¹⁸ hatched and contracted. Γ1,8,10.

¹⁹ evil. X3.

²⁰ for he hath procured those pardons which may be. Γ.

²¹ truly informed. X9.

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¹ delivered in against. Ψ1,12.

customers. X1-8,10; Ψ1.

² warrant. X1; Φ1-3.

⁴ proceedings against Cosin. X5.

³ how they had found. Ψ1,12.

⁶ so many, added. Ψ2,5.

ceived to be a contempt to⁷ this House, desires he may⁸ be sent for to answer his contempt.⁹

MR. GOODWIN. The Sheriff acknowledgeth his error and humbly desireth so much favour, that he may once again be called before the Committee; and if then he give not full contentment¹⁰ by his answer, he will refer¹¹ himself¹² to the wisdom and justice¹³ of this House.

MR. WALLER¹⁴ seconded this motion, so did Alderman Moulson, Secretary Coke, Chancellor of the Duchy, and some others;¹⁵ but his offence being declared to be so great and gross, and that the Committee had given him so many times to recollect himself,¹⁶ and he being so great an officer of so great a city, he had all the favour that might¹⁷ be, and yet rejected the same, and carried himself in a very scornful manner.^a Wherefore it was ordered that he should be sent for unto the House as a delinquent, to-morrow morning.¹⁸

Jones, the printer,¹⁹ and his counsel²⁰ are called in to argue²¹ the business of Mr. Mountagues Episcopal confirmation.²²

The questions were two:

First *quere*, Whether the exceptions be legal.

Secondly, Whether the confirmation be good. The last²³ is the point²⁴ now in hand, to²⁵ which the House enjoined the counsel to speak.

⁷ *of*. X15; ¶2.3,7,8,11; ¶2,12; ¶1-3.

⁸ *might*. X2,4.

should. ¶1,12.

⁹ *answer the same at the Bar*. ¶1,12.

¹⁰ *content*. X1-4; ¶3.5,6.

satisfaction. X5,9,11,15.

¹¹ *he is willing to submit*. X1.

¹² *it*. ¶2,3.

¹³ *and justice*, added. X15.

¹⁴ *Sir Walter Erie*. X1-10,15; ¶1-6,8.

¹⁵ *Aldermen Moulson and others spoke in this wise and to this*. ¶7, at the top of a page in the front of the book. The intention evidently was to copy in a separate.

¹⁶ *like* X.

and that he had so many times given him to recollect himself. ¶2-11; ¶1-9,12; ¶1-3.

and that he had so many times liberty given him to recollect his memory. ¶1,12.

and that he had some time given him to recollect himself. ¶11.

¹⁷ *could*. ¶1,12; ¶3,4,12.

¹⁸ *to answer at Bar the next morning*. ¶1,12.

¹⁹ *concerning Bishop Mountague*. He. ¶4,5.

²⁰ *and others*. X3.

²¹ *answer*. ¶3.

²² *dignity*. ¶5.

²³ *of these*, added. ¶1.

²⁴ *business*. X1-8,15.

question. ¶5; ¶12.

²⁵ *touching*. ¶1.

^a A comparison of this paragraph with Grosvenor reveals skill in condensation on the part of this writer who must have had fuller written materials before him.

The counsel propounded²⁸ a third question, What will²⁷ be the fruit or effect of it, if in law the confirmation prove²⁸ void? To this the counsel said, it will not extend to make him no bishop upon the point of election, but upon the point of confirmation only, which makes him punishable if he execute any thing concerning the bishopric.^b

SIR HENRY MARTEN saith, the exception²⁹ making void the confirmation, doth in law work also upon the election, and will make that void also.³⁰

Dr. Stewart saith, the point of setting to of the advocates hand is but a matter of form in the Court, and no matter of law.

SIR HENRY MARTEN. I will endeavour to give the House satisfaction, the best that I am able, and will speak without relation to the Kings right and laws of the realm.

Since 25° H. 8, except in Queen Marys time, there hath been a form concerning the confirming of bishops which is not agreeable to the exact rules of the canon law. For Boniface election C. ult° saith, the citation must be set up not at Bow, but at the church whereof the Bishop is chosen; and if it be not set up there the election is void. By the Statute of 25° Hen. 8 having declared that when a bishopric falls void, the King shall send his Letters Missive to the dean and chapter; if within twelve days they do not choose, the King may choose whom he will, and then there is no talking of election or confirmation, but if they do choose, their election shall stand good to all intents and purposes, and the person so elected shall be taken by the name of the Lord elect (and if so what need of confirmation?). But the Statute addeth that the Archbishop must within twenty days confirm him.

By 1° E. 6, Cap. 2° these formalities being not liked of, and thought to savour of the canon, are taken off; and in time of Queen Elizabeth they did not renew that of King Edward, repealed by Queen Mary, but that of 25° H. 8. And according to that it may be objected, why do they make a proclamation to no purpose? To this I say it is not unusual in great actions to retain the remembrance of antiquity, notwithstanding of alterations since made. It is a rule in the civil law; a reason cannot be given of all things. If a man call into question the inauguration of the emperor or of the king, the manner of Common Recovery with single or double voucher, I would pray him to tell me whether we should exact a reality answerable to the formalities in them. And for want of a counsel-

²⁸ proposed. X9, 11, 15; Ψ; Γ5-7; Φ1-3.

²⁷ would. Ψ1.

shall. Ψ8.

²⁹ should prove. Ψ1.

³⁰ execution. Ψ4.

³¹ and likewise made that void. Ψ1.

^b This is Dr. Stewart's argument. Grosvenor (p. 182).

• Boniface on elections, last chapter. Cf. Grosvenor (p. 183).

lors hand the Lord Keeper may refuse a bill; so here, for want of formality in the taking of these exceptions, they may be void. In case of forbidding marriage, not he that will must be heard, but he that will put in security to pay expenses. So here nullities go no further than the law doth affix them. *Ex solemnibus nihil facile innitandum est.*³¹

TUESDAY THE 10TH OF FEBRUARY

A bill was preferred for ordering the government¹ of the Summer Islands.

Another bill was likewise preferred to restrain some abuses in ministers and magistrates.

MR. ROLLES complaineth² that since his³ last complaint of the breach of the liberties of this House, his warehouse hath been locked up by one Massey⁴ a pursuivant; and that yesterday he was called forth from the Committee in the Exchequer Chamber, and served with a subpoena to appear in the Star Chamber; but that since he received a letter from Mr. Attorney that it was a mistake. The subpoena was read, but the letter was not suffered to be read.

SIR ROBERT PHELIPS. You see⁵ we are made the subjects of scorn and contempt. I conceive this to be a bone thrown in by them that seek to draw⁶ a cloud over our sun, our Religion, to divert or interrupt us in the prosecution of them.⁷ I desire⁸ the messenger may be sent for, and examined by what⁹ procurement this subpoena was taken forth; for if we find not out those that throw¹⁰ these scorns upon us,¹¹ it is in vain to sit here.^a

SIR HUMPHREY MAY. This proceeds from some great error, for I will assure you this never proceeded from the King nor Council. I

³¹ Sir Henry Marten saith, that he will endeavour to give the House full satisfaction, and he will speak without relation to the Kings right and according to the laws of the Realm. The proclamation by the common law should not be at Bow Church, but at the cathedral church of that diocese where the bishop is to be elected; and the dean and chapter and clergy of the diocese are to except, and not every one that will. The arguments are endless, and to alter a course so long settled is not good; I conceive it is plain that the King and the law have power to deprive him of his bishopric if he deserves the same; I think therefore it were good to decline this dispute for the present, and to proceed to remove him, which is allowed of. All but XI.

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¹ and plantation, added. X2,4; Ψ3,9,11.

² informed the House. X2,4,6.

³ the. X1,4,11; Ψ1-5,7; Φ2.

⁴ Massen. Φ3.

⁵ my masters, added. Φ3.

⁶ have drawn. X9,11,15; Ψ2-11; Γ; Φ1-3.

⁷ preservation of it. X1-8; Ψ1.

preservation of them. X11.

⁸ therefore, added. X3.

⁹ whose. Ψ1; Γ7.

¹⁰ put. X1-8.

¹¹ If we suffer such scorns to be thrown upon us. Ψ6,8,9.

If those that throw these scorns upon us may go unpunished. Ψ2,4,5; Ψ1 (except unquestioned).

^a In this account the speeches of Phelips and Eliot seem to have been combined into one. Cf. Grosvenor, p. 186.

therefore desire it may be searched to the bottom, for be confident¹² that neither King nor Council¹³ have cast¹⁴ in this as a bone.

MR. SELDEN. This is not to be reckoned¹⁵ as an error; for questionless it is purposely to affront us, and our own lenities¹⁶ is the cause of it.

It was ordered that Shemington,¹⁷ the messenger that served the subpoena, should be presently sent for to the House.¹⁷

A committee of six are appointed to see the information in the Star Chamber, and to examine the same, and by whom the same was put in;¹⁸ and they¹⁹ have power to send for persons, or records that may inform them; and also they shall have power to enjoin any whom they shall think fit to attend this House.

A general order was agreed upon, that all committees that have power to send for parties, shall have power to command any of them, as many as they shall think fit, to attend the House at such times as they shall think meet.

The²⁰ privilege of the merchants that are plaintiffs here may be²¹ taken into consideration by this Committee, concerning the information in the Star Chamber.*

Sheriff Acton called to the Bar as a delinquent, upon his knees, saith, if he hath offended or erred, it is through want of memory and²² ignorance, for he intended not the least dislike, or distaste to any member of this House.

MR. LONG moved that he may be sent to the Tower.

SIR FRANCIS SEYMOUR. That he may now be referred back to the Committee to be re-examined; if then²³ he deal not clearly,²⁴ this House may proceed to further punishment.

MR. SELDEN. I cannot remember when we²⁵ did commit a sheriff of London, but I can remember when this House did commit both the sheriffs²⁶

¹²be it considered. ¶1.

¹³State. XI-4,6-10,15; ¶2-11; ¶1; ¶2,3.

¹⁴thrown. X5.

¹⁵conceived. ¶2-4.

¹⁶liberties. ¶1.

limits. ¶2-11.

¹⁷sent for to be examined in the same end by whom it was put in. ¶5.

¹⁸execution, added. XII.

¹⁹Instead of A Committee of six . . . And that Committee shall. ¶5.

²⁰It is further ordered that the. XII.

²¹was appointed to be. X2-5.
is to be. ¶4.

²²or by reason of his. XI.

²³there. XII,15.

²⁴plainly. XII.
fairly. ¶8,9.

²⁵this House. ¶5,7.

²⁶a member of this House, a sheriff. XI.

^bShrimpton. See Grosvenor p. 187 and Nicholas p. 136. C.J. 1:928.

* This is a special application of the 6th point in C.J. 1:928.

of London to the Tower for an abuse²⁷ of less nature, only for countenancing a serjeant in an arrest on a member of Parliament,²⁸ though they did acknowledge their faults at the Bar, which this man hath not yet done. The serjeant was sent to Little-ease, the party at whose suit he was arrested was committed to the Fleet, and both the sheriffs to the Tower.

MR. KIRTON. I came into this House with as good a heart²⁹ to this man, as any man;³⁰ for I was spoken to³¹ to stand for him as I came in, and I promised to do him whatsoever favour I could; but if he were my brother he should go to the Tower.

MR. LITTLETON. You see the affronts by books, by preaching, by rumours, by being daily served with processes that are put upon us, that we are become but a mere scarecrow; the neglect of our duty is the cause of this. It is high time to remedy this, or it is in vain to sit here.

The sheriff is again called into the Bar on his knees, and is sentenced to the Tower.

SIR BENJAMIN RUDYERD. There be divers recantations,³² submissions, and sentences remaining on record in both the Universities against Arminianism, that above any thing may conduce to our end in that business. I desire that the Speakers letter may be sent to the Vice-Chancellor for those records,³³ which is ordered.

It was ordered that Wolstenholme, Dawes, and Carmarthen, being farmers to the customs, should be sent for, and are to be at the Bar upon Friday next.

WEDNESDAY THE 11TH OF FEBRUARY

MR. SELDEN reported concerning the process of the merchants,¹ that Mr. Attorney gave order for the process, and that his man took forth the same. For the Bill it is a course by way of crime for those things which depend in Parliament complained of here by the merchants.

The copy of the Bill is brought in and read, that² the merchants did plot, practice, and combine together against the peace of the Kingdom.

²⁷ offence. X9,11.

²⁸ this House. X1-10,15; ¶6; ¶7.

²⁹ will. X4; ¶1,10,11.

³⁰ one. X9,11.

a very good desire to speak for this man. X6.

³¹ intreated. X9.

³² relations. ¶4.

³³ to be sent hither, added. ¶3.

FEBRUARY 11.

¹ Mr. Seldens report concerning the process against the merchants out of the Star Chamber. ¶4.

Mr. Selden. Concerning the process of the merchants I am to render an account. It is apparent. X11 I have according to your order inquired after it, and it is manifest, added. X15.

² the substance of it was that. X11.

This being conceived to be a business incident to Tonnage and Poundage, it is ordered to be deferred until to-morrow morning.

MR. SELDEN moved that a report should be made to-morrow³ of the examination of the complaints of the merchants, and that the information in the Exchequer Chamber may also be brought; which was also ordered.

It was ordered that in respect⁴ the term ends to-morrow, and the assizes suddenly⁵ following, and divers members of the House being lawyers may be⁶ gone, that none shall go forth⁷ of the Town without leave of the House.

It was also ordered that the Speakers letter shall be sent for Sir Edward Coke.⁸

At the Committee for Religion

MR. WALLER delivered a Petition of the booksellers and printers in complaint of the restraint of books written against Popery and Arminianism, and the contrary allowed of by the only means of the Bishop of London; and that divers of them have been perswaded for printing of orthodox books; and that the licensing of books is now only restrained to the Bishop of London and his chaplains.

One of the printers said he tendered divers books to have them licensed, one called *The Golden Spur to the Celestial Race*; and that Turner, one of the Bishop of Londons chaplains, said,⁹ that if he would put out the point, that a man may be certain of his salvation, he would license the same;¹⁰ notwithstanding he put out that point, yet¹¹ he could not get it¹² licensed.

MR. SELDEN. The refusing the licensing of books is no crime, but the licensing of bad books is a crime, or the refusing to license books because they write against Popery or Arminianism is a crime. There is no law to prevent the printing of any book in England, only a decree in the Star Chamber. Therefore that a man should be fined¹³ and imprisoned, and

³ morning, added. X1.3.

⁴ regard. X3.6.

⁵ immediately. X1.

⁶ would desire to be. X1.

⁷ out. ¶8.9.

forth out. ¶5.

⁸ to desire his presence at a Committee for Religion, added. X15.

⁹ unto him, added. X3.

¹⁰ book. X1-8,15.

¹¹ which when he had yielded to do, and did put it out. X11.

¹² his book. X11.

the book. X2-8,15; ¶2.

the same. X9,10; ¶; ¶5-8,11; ¶.

¹³ sued. ¶1.

his goods¹⁴ taken from him, is a great invasion on the liberty of the subject. Therefore he moved¹⁵ that a law may be made on this.

This is referred to a select committee to be examined.

MR. SHERLAND^a reported concerning the pardons, that they have examined Dr. Sibthorpes and Cosins pardons; Sibthorpe¹⁶ solicited his own pardon, and said he would get¹⁷ the Bishop of Winchester to get¹⁸ the Kings hand to it. It is evident that the Bishop of Winchester got the Kings hand to Sibthorpes and Cosins pardons, and¹⁹ also Mountagues pardon was promised by him. That Dr. Manwaring solicited his own pardon, and the Bishop of Winchester got the Kings hand to it. It is likewise said that the pardons were all drawn by Mr. Attorney before there was²⁰ any warrant.²¹

MR. CROMWELL said that he had by relation²² from one Dr. Beard, that Beard said, that Dr. Alablaster had preached flat Popery²³ at Pauls Cross. And that the Bishop of Winchester commanded him, as he was his diocesan, that he should preach nothing to the contrary.

SIR ROBERT PHELIPS said that one Dr. Marshall will relate²⁴ as much said to him by the Bishop of Winchester as the Bishop said to Dr. Moore.²⁵

MR. KIRTON. That²⁶ Dr. Marshall and Dr. Beard²⁷ may²⁸ be sent for. For²⁹ this Bishop, though he hath leaped through many bishoprics, yet he

¹⁴ books. ¶2-4.

¹⁵ I desire. X1,3.

I could wish. X11.

¹⁶ and find that Sibthorpe. ¶3.

¹⁷ give it to. ¶1.

procure. X15.

¹⁸ procure. X1-8; ¶5; ¶7.

¹⁹ as. X1,2,4-15; ¶7-9,11; ¶2-4,6-8.

²⁰ without. ¶8,9.

²¹ delivered unto him, added. X11.

²² related to the House that he had heard it reported. X3.

²³ in a sermon, added. X3.

²⁴ declare. X9.

²⁵ Alablaster. X2,3,6,8; ¶1,10.

Beard. X4.

in effect as much as he had to Alablaster. X15.

²⁶ Let. X4.

I desire that. X2,6.

Mr. Speaker, I desire that. X11.

desireth that. X9.

desired that. X1.

moved that. ¶4.

said that. ¶7.

²⁷ Alablaster. X2,3.

Moore. X1.

²⁸ should. ¶7.

²⁹ That. ¶3; ¶1-6,8,9.

^a Sherfield.

hath left Popery behind him. That¹ Cosin,² frequenting the printing-house, hath caused the Book of Common Prayer to be new printed; and hath changed the word *minister* into the word *priest*, and hath put out in another place the word *elect*. Thus Cosin and his Lord go hand in hand.

SIR MILES FLEETWOOD saith, we are to give Mountague his charge and by his books chargeth him with:

First, schism in error of³ doctrine,
Secondly, faction in point of⁴ State,
Thirdly, matter of aggravation.

SIR WALTER EARLE. *Qui color albus erat nunc est contrarius albo*. Dr. White hath sold his orthodox books and bought Jesuitical books. And moves that Bishop White may go arm in arm⁵ with Mountague.

It was ordered⁶ that a select committee should be named to digest⁷ these things that have been already agitated, concerning the innovation of our Religion, the cause of the innovation, and the remedy.

THURSDAY THE 12TH OF FEBRUARY

The Sheriff of London upon his submission at the Bar is released of his imprisonment in the Tower.

SIR JOHN ELIOT made the report from the Committee in the examination of the complaint of the merchants, and delivered in the orders and injunctions of the Exchequer.

At a great Committee for Tonnage and Poundage, Mr. Sherland in the Chair

MR. WALLER delivered a petition from Chambers, Fawkes, and Gilbourne,¹ in complaint of an information against them in the Star Chamber about² Tonnage and Poundage; and that by restraint of their goods they are like to be undone.

SIR JOHN ELIOT. The merchants are not only kept from their goods by the customers, but by a pretended justice in a court of justice, the Exchequer. I conceive, if the judges of that court had their understanding

¹ I have heard that Cosin. X3.

Concerning Cosin, he. ¶4.

² schism in matter of. X.

schism and error in. ¶3.

³ print and. ¶8.

⁴ hand in hand. ¶8,9; ¶2-5.

⁵ consider of. X1-8.

⁶ The rest of this speech belongs to Waller. See Grosvenor, p. 193; Nicholas p. 139.

⁷ Upon Rich's motion. See Grosvenor, p. 194.

FEBRUARY 12.

¹ Carmarthen. X3.

² concerning. X1-8.

³ This should be Gilman. See Nicholas, p. 141; Grosvenor, p. 196; C.J. 1:929.

enlightened of their error by this House, they would reform the same, and the merchants thereby suddenly come by their goods.³

MR. WANDESFORD conceiveth this to be a difficult way for us to go in.

MR. CORYTON. Let it be done which way the House shall think fit.⁴ But I conceive it is fit⁵ the merchants should have their goods before we can think of⁶ the Bill. Kings ought not by the law of God thus to oppress their subjects. I know we have a good King, and this is the advice of his wicked ministers; but there is nothing that can be more dishonourable to him.

MR. STRODE. That it may be voted that the merchants may have their goods before we enter⁷ upon the Bill.

SIR HUMPHREY MAY. I shall speak my opinion, because I know not whether I shall have liberty to speak, or you to hear any more. All the proceedings of the King and his Ministers was to keep the question safe, until this House should meet, and you shall find the proceedings of the Exchequer were legal; and thus much have I said, not knowing⁸ whether I shall attain⁹ liberty to speak here again.¹⁰

SIR THOMAS EDMONDES. There is none here but would think it a hard thing, that a possession should be taken from us¹¹ without any order for sequestration; that therefore it was not to be suffered, that those few men should so unjustly disturb the government of the State. And desired that there might be no interruption, but we may proceed to settle the Tonnage.

MR. CORYTON. I hope we shall¹² speak here as we may speak in Heaven, and do our duties; and let no fear divert us.

MR. WALLER. It is not¹³ so few as five hundred merchants are¹⁴ threatened in this.

³ He moved that a message might be sent to the Exchequer, added. ¶4.

⁴ meet. X2.4.

may think most convenient. X3.

⁵ meet. ¶2.

⁶ can proceed to. X1.

enter upon. ¶2.

⁷ the House enter. X4.

the House should enter. X1,2,5.

this House should enter. X3.

⁸ because I know not. X3.

⁹ obtain. ¶8,9.

have. X1-8,10; ¶10; ¶2-4.7.

have a days. ¶1-3.

¹⁰ any more here again. ¶1.

any more. X1.

or no, added. ¶2.

¹¹ him. X3,15; ¶5,6; ¶7.

¹² may. X; ¶1,7; ¶2-4; ¶1.

¹³ is no loss now. ¶11.

¹⁴ have. ¶7.

SIR ROBERT PHELIPS. I think it were fitting that some of the House may go to the King and move him with these interruptions.¹⁵

MR. NOY. We cannot safely give unless we be¹⁶ in possession, and the proceedings in the Exchequer nullified, and the information in the Star Chamber, and the annexation to the Petition of Right, and other records. I will not give my voice to this until¹⁷ these things be made void; for it will not be a gift¹⁸ but a forced confirmation;¹⁹ neither will I give it unless²⁰ these interruptions be declared,²¹ and a declaration in the Bill, that the King hath no right but by our free gift. If it will not be accepted, as it is fit for us to give it, we cannot help it. If it be the Kings already, as by these new records it seemeth to be,²² we need not give it.

MR. SELDEN secondeth the motion of sending a message²³ to the Exchequer; declareth a precedent of a message sent into the Chancery²⁴ for stay of proceedings in a cause,²⁵ and it was obtained.²⁶ And what answer soever the judges return, it cannot prejudice us; the law speaks by record, and if these records remain, it will to posterity explain²⁷ the law.

MR. LITTLETON. For the point of right there is no lawyer so ignorant of the law as to conceive it, nor any judge of the land to affirm it, it is against giving to the King, or going on with the Bill. In this case, by the law, a man cannot be put to a petition of right, but shall recover without petition.²⁸

It was ordered that a message should be sent to the Court of the Exchequer, That whereas certain goods of the merchants have been stayed by injunction from that Court by²⁹ a false affidavit, and that, upon exami-

¹⁵ like XI-8.

¹⁶ *Moveth we may go to the King and satisfy [certify. X9-XI,13,15.] him of these interruptions.* X9-11,13,15; ¶; ¶; ¶.
¹⁷ *and the obstacles that hinder our proceedings, added.* ¶3.

¹⁸ *were.* XI-4.

¹⁹ *unless.* ¶1.

²⁰ *free gift.* X3.

²¹ *for it will be against the confirmation.* ¶2.

²² *until.* ¶8,9.

²³ *cleared.* XI-8.

removed. ¶1.

unless it may be thus declared. XII.

²⁴ *appeareth.* ¶2-4.

²⁵ *letter.* X3.

²⁶ *I think fit a message be sent to the Exchequer, for we may as well send thither as this House did heretofore unto the Chancery.* XII.

²⁷ *proceedings there.* ¶6.

²⁸ *obeyed.* XI,2,4-8,10-15; ¶1.

granted. X3.

²⁹ *declare.* ¶8,9.

³⁰ *right.* ¶1.

³¹ *procured by.* XI,15.

nation,³⁰ the customers that made the affidavit have confessed that the goods were stayed only for duties contained in the book of rates; that therefore that Court would make void the orders and affidavits in this business.

FRIDAY THE 13TH OF FEBRUARY

A petition was preferred against one Burgess, a priest,¹ who was here complained of the last Session, containing some new articles² against him, viz., that he reported³ that he could not⁴ get a copy of his articles⁵ out of the House until he was fain to get one to counterfeit himself a Puritan to get the same, and other new misdemeanours.⁶

It was ordered that he should be sent for.⁷

SIR JOHN ELIOT made a motion concerning the privilege of the merchants.

It was ordered that any man having a complaint depending here, shall be privileged in his person,⁸ not freed from suits.

A committee was also appointed to consider what privilege is to be allowed any man that hath any cause depending here.⁹ In the mean time¹⁰ intimation shall be given to the Lord Keeper that no attachment shall go forth¹¹ against the merchants.

SIR HUMPHREY MAY reported concerning the message to the Exchequer Court, That the Treasurer, the Chancellor, and the Barons will forthwith take the same into consideration and return an answer.

It was ordered that Mr. Secretary Coke should take care that intimation be given to the cities of London and Westminster about the Fast.

Dr. Moore, concerning the Bishop of Winchester, called in,¹² saith, that he was referred to the Bishop of Winchester to be censured for a

³⁰ of this House, added. ¶1.

FEBRUARY 13.

¹ minister. X.

² some new articles. ¶7; ¶7; ¶3.

³ some new articles complained. ¶1,2.

⁴ some new articles were now preferred. ¶5.

⁵ there are some new articles. ¶2-4.

⁶ for saying. ¶5,6.

⁷ (as he gave forth in speeches), added. ¶7.

⁸ the articles against him. X1-8.

⁹ the articles preferred against him. X9,10.

¹⁰ against him, added. ¶6.

¹¹ into the House, added. ¶5.

¹² freed in his person with privilege of protection. X3.

¹³ allowed a member of the House. X9,11,15.

¹⁴ It was ordered that. X6.

¹⁵ out. X1-8; ¶6,11.

¹⁶ called to the Bar. ¶2.

sermon preached¹³ by him. The Bishop said¹⁴ he had heard him preach and deliver many pretty passages against the Papists, which pleased King James well,¹⁵ but he must not do so now. That you have a brother that preacheth against bowing¹⁶ at the name¹⁷ of Jesus, and of bowing to the high altar, which he did not like; and the Bishop further said that the Communion tables stand as tables in ale-houses, but he would have them to be set as high altars.

Dr. Moore is to¹⁸ deliver these things in¹⁹ writing to-morrow morning.

At the Committee for Religion Mr. Pym in the Chair

SIR WILLIAM BULSTRODE.²⁰ If we now speak not we may forever hold our peace; when, besides the Queens Mass, there are two other Masses daily in the Queens Court, so that it is grown ordinary²¹ with the out-facing Jesuits, and common in discourse, Will you go to Mass, or have you been at Mass at Somerset-house? there coming five hundred at a time from Mass. He desires further that it may be known²² by what authority²³ the Jesuits that were lately²⁴ in Newgate were released.

MR. CORYTON. I doubt not but his Majesties²⁵ intention was good in the declaration lately published; but I conceive²⁶ it will be made use of only to our disadvantage. He desireth²⁷ therefore the declaration may be taken into serious consideration.

¹³ at Pauls Cross, added. Γ11.

¹⁴ told him. Γ7.

¹⁵ in a sermon he preached before King James. X1-8.

¹⁶ of knee, added. Ψ8,9; Φ2.

¹⁷ holy name. Γ1.

¹⁸ is ordered to. Ψ5.

It was ordered that Dr. Moore should. X3,15.

¹⁹ put this discourse into. X15.

²⁰ like Φ.

Sir Robert Phelips. X1-10; Ψ1.

Sir Walter Erle. X11,15.

Sir John Eliot. Γ5-7.

Mr. Waller. Ψ12.

No name given in the others.

²¹ common. Ψ1,3,5.

²² that the House would be pleased to give order that it might be examined. X1.

²³ warrant. Ψ1.

²⁴ lately committed. Γ2.

²⁵ the Kings. X9,11,15.

²⁶ perceive. Γ6,11.

(said he), added. X9.

²⁷ moved. X1,2,4.

SIR RICHARD GROSVENOR reports²⁸ the proceedings of this House against Popery the last Session and what fruit hath been therein.²⁹

Mr. Pym. In this great business³⁰ concerning Religion, and the staying of the execution of the laws against Recusants, it will much conduce to our purpose and further³¹ our resolutions, to cast back our eyes to what was done the last Session. You may remember, Sir, that amongst many other businesses of weight,³² we then took to heart³³ the decay of Religion; we sought after the preservation of it, and how to maintain it in its own purity. We found that of late years it had been much wounded by heartening³⁴ of Papists, and by conferring offices upon Recusants. We summoned our judgments, and employed our best cares and pains for stopping the current of Popery, which by such means, like a deluge, came flowing in upon us. And well did it befit the piety³⁵ of this House to be so zealous for the preservation³⁶ of that, which ought to be so precious to every good mans soul, and so dear in their eyes. And this we attempted by these and the like steps.³⁷

First, By that religious Petition, wherein it pleased the Lords so readily to join with us.

Secondly, By framing a bill against Recusants, which passed both Houses, whereby his Majesty had been much enriched, and better enabled to compass his due from them, and to avoid their deceits in defrauding him thereof.

Thirdly, By informing him of the³⁸ numbers and particulars, and by petitioning him to remove all Papists and Popishly affected from the Court, from places of trust, and from places of power.

Fourthly, By examining the dangers and inconveniences of those

²⁸ repeats. ¶7-9,11; ¶8.

repealedh. X9; ¶3; ¶3.4.

repents. ¶1,10.

²⁹ have followed thereof since. ¶1.

Sir Richard Grosvenor. Report the 13th of February 1628. X10,13; ¶12; ¶2.

Sir Richard Grosvenor concerning Religion. ¶4,5.

Sir Richard Grosvenor touching Religion. ¶6,10.

Sir Richard Grosvenors report. ¶2.

³⁰ question. ¶11.

³¹ forward. X15; ¶1; ¶1.

³² many things of weight and consequence. X3.

³³ into consideration. X1.

³⁴ favoring. X1.

³⁵ profit. ¶1,11.

purity. ¶7.

³⁶ like X1-3,5.

prosperity. X11,15; ¶1; ¶2,7,11.

³⁷ stops. ¶1,11.

³⁸ their. X3.

late commissions and instructions granted forth, for the compounding with Recusants for their estates and forfeitures.³⁹

Fifthly, By framing a charge to usher⁴⁰ up Mr. Mountague to the Lords; not to his seat amongst the reverend society of Bishops, but to the Bar, as an offender against that House, this, and the whole Church of God.

But now, what good hath this our zeal brought to Religion, what profit to the Church? We all know (and with thankfulness acknowledge) that his Majesty gave a most pious and gracious answer to our Petition of Religion, and to some particulars, as fully as we could desire; which raised our hopes to the expectation of much⁴¹ good, and some hath followed. For it is true (Mr. Pym)⁴² that the promised Proclamation to command the Judges, and other Ministers of Justice, to put the laws in execution against Recusants, their Priests and Jesuits, is now extant; which yet seems to me to have been so⁴³ long kept back by some back friends to Religion. And I am induced to think thus for these reasons, *viz.*,

My first reason I draw from common fame, it being generally⁴⁴ reported that, instead of life and motion to the laws in force against⁴⁵ Recusants, the judges had in charge before the last Circuit⁴⁶ to deal sparingly with them.

My second reason I draw from the time when this Proclamation came forth, which was five weeks after the ending of the Session,⁴⁷ when some of the Circuits were ended, or so near a conclusion that the judges could take little or no notice thereof.

Thirdly, from consideration of a former Proclamation, dated the 7th of July, which though it passed not the Seal, yet it did the press; and in my poor opinion, would never have gone so far (knowing the resolution of Council to be more certain) had not some men hoped to have prevented the latter by procuring the former as a satisfaction, which falls far⁴⁸ short of his Majesties pious intentions expressed in that his religious Answer. And if, with reverence, I may speak my humble thoughts, they do both of them, in the conclusion, too much encourage the worst of subjects to hope

³⁹ *states and fortunes.* XI.

⁴⁰ *offer.* X5.

⁴¹ *some.* X5.

⁴² *(Mr. Speaker).* XI.

⁴³ *too.* XI, 15.

⁴⁴ *credibly.* XI-3.

⁴⁵ *motion of laws against.* XI-3, 5.

⁴⁶ *Session.* XI-3, 5.

⁴⁷ *like X2, 3; XI.*

after the end of the Session. XI.

after the ending of the Sessions. XII; XI, 2.

before the ending of the last Session. XI.

⁴⁸ *much.* XI-3.

for his Majesties best favour, too fairly inviting⁴⁹ them to compound for their forfeitures; which course this House was bold to style little less⁵⁰ than a toleration. Again, is the concurrence⁵¹ of Recusants as yet restrained from the Court? Nay,⁵² do they not since our recess frequent it with more confidence and greater alacrity? Do not their hopes daily increase, and themselves grow more insolent, their fear ended with the Session? Is the promised watch yet⁵³ appointed to keep them from Ambassadors Houses? Had the judges in charge to inform themselves in their last Circuits, and after their return to certify his Majesty⁵⁴ of all such Papists and Popishly affected as they should find to be in authority?⁵⁵ I have not yet heard it, and to me these are all the known effects of that Religious Petition. Next⁵⁶ take we notice of the abortion of that necessary bill against Recusants, which when we hoped would have received life and perfection by the Royal assent, perished in embryo, suddenly vanished, as being too cruel, too unmerciful. Consider⁵⁷ what fruit we have reaped from that Petition and Information, whereby we let his Majesty know the particulars of such Papists and Popishly affected, as were in each County in Commission of the Peace, Lieutenancy, etc. Are any of them since removed? Nay, it is well if their number be not increased.

Oh, Mr. Pym, this breaks the heart; if God be God, let us follow him, and if Baal be God, let us follow him, and no longer halt between two opinions. For whilst we are thus careless in standing for God that we dare scarce own our own Religion, it is no marvel that God estrangeth himself from us, and will not own us, as by too woeful experience we have cause to suspect. Since we find he goeth not forth with our armies, since so ill success attends all our actions, we may justly suspect we have not made our peace with him.

And, Mr. Pym, to these griefs and discouragements, I find an addition of that nature, that threatens the very ruin and desolation⁵⁸ if not

⁴⁹ too fairly invite. F1.
to fairly invite. XII, 15.
fairly to invite. F7.

⁵⁰ better. XI, 3, 15.

⁵¹ course. XI, 3, 15; F1.
recourse. XII; F7.

⁵² Nay it is well, if their numbers be not increased. X3.

⁵³ Fourthly. Is the promised watch as yet. Ψ1.

⁵⁴ give account to his Majesty. F7.
his Majesty to have notice. XII.

⁵⁵ as were in their Circuits in any authority. X3.

⁵⁶ Fifthly. Next. Ψ1.

⁵⁷ like F1, 11.

And thereby consider we. XI-3, 5.
Sixthly, and lastly, considering. Ψ1.
And thirdly consider we. F2.
And thirdly consider. XII, 15.

⁵⁸ of us, added. Ψ1.

dissolution of Religion in this land, if God himself take not his own cause into his own hand; and that is the countenancing and preferring of a plotting, undermining, and dangerous sect of upstart divines, when Arminians shall be graced and preferred before honest⁵⁹ men, when such desperate divines, as have fired a part of Christendom, almost ruined our neighbours, kindled their firebrands, and cast their dangerous sparks abroad in our Church, shall be encouraged to go on in planting their damnable doctrines and propositions,⁶⁰ which already have taken too fast rooting, too deep footing in our Universities, and many other parts of this land.⁶¹

You may remember, Sir, what care and pains this House took (as a matter of great consequence) to frame a charge against Mr. Mountague, which was ready with the first opportunity to have transmitted him to the Lords; but these many interruptions we have had, have given⁶² backing⁶³ to that, as to many other businesses of weight; yet was this man presently⁶⁴ after the ending of the last Session dignified with the sacred title of Bishop of that See, wherein his predecessor (a grave⁶⁵ and orthodox prelate) had laboured both by his pen and doctrine⁶⁶ to strangle those errors, and to confute Mr. Mountague; as if the ready way⁶⁷ to obtain a bishopric now, were to undermine Religion, and to set the Church in combustion.

Another also of his own profession, a little better than himself, I mean time-pleasing Manwaring, hath also tasted extraordinary favour. This man attempted to make his holy function a means to seduce the Kings conscience, to misguide his judgment, to disjoint his affection from his people, to avert⁶⁸ his mind from calling of Parliaments; the particulars of his damned doctrine are yet fresh in our⁶⁹ memories. What could a man have done worse? For hereby he did as much as in him lay violently⁷⁰ to break in pieces that cord, and to wrest in sunder⁷¹ that chain, which links and ties and unites the hearts and affections of the Prince and people

⁵⁹ *other.* X1-3,5.

⁶⁰ *positions.* X1,2,11,15; Γ1.

⁶¹ *kingdom.* X1-3,5.

⁶² *we met withall, gave.* X3.

⁶³ *breaking.* Γ1,11.

⁶⁴ *shortly.* X15; Ψ1; Γ1.

⁶⁵ *grave devine.* Γ1.

great and prayerful. X15.

⁶⁶ *directions.* Γ1.

⁶⁷ *as if the very ready way.* Ψ1.

whose ready way. Γ1,7,11.

⁶⁸ *divert.* X3,5.

⁶⁹ *your.* X1-3; Γ1.

⁷⁰ *violently strive.* Γ2.

seek violently. Γ7.

⁷¹ *pieces.* X11.

together. Verily they,⁷² that shall thus go about to seduce or corrupt a Prince, deserve⁷³ to be hated of all men,⁷⁴ as much as those that attempt to poison a public spring or fountain whereof all drink; for which offence of his, he received just but⁷⁵ moderate censure; one particular whereof was, that he should be forever disabled from holding any ecclesiastical dignity in the Church. And although it be confessed that the Doctor justly brought upon himself the censure of Parliament, yet was this man,⁷⁶ immediately after our rising, released from his imprisonment, reported to have the honour to kiss⁷⁷ the Kings hand, obtained his⁷⁸ pardon in folio, preferred to a rich living, and (if fame⁷⁹ say true) cherished⁸⁰ assured hopes of future dignity in the Church. If these be the steps to Church preferment, God be merciful to those Churches which shall fall under the government and feeding of such a clergy.

Thus, Mr. Pym, you see the issue of our good endeavours vanish into smoke; what should be the reason, I know not; but I may well guess that it comes by the like practices that were used in King James his time, for then had we the like gracious answers to Petitions of Religion, the like Proclamations, the like Declarations, the like commands to put laws in execution⁸¹ against Recusants, and yet little done, being prevented by secret direction and command of some eminent Ministers of State, which I am able to justify⁸² by a letter under their hands, which I have now about me. And I wish that all such as have notice⁸³ of any such private letters as have been sent for stay of execution of these laws, would give this House notice thereof.⁸⁴

SIR ROBERT PHELIPS. If ever there were a necessity⁸⁵ of⁸⁶ dealing plainly and freely, this⁸⁷ is the time; there is an admission of Papists and

⁷² *he.* Γ1,11.

⁷³ *deserves.* Γ1,2,11.

⁷⁴ *good men.* X1-3.

⁷⁵ *yet.* X1-3.5.

⁷⁶ *also, added.* X15; Ψ1.

⁷⁷ *the favour to have kissed.* X5.

⁷⁸ *a.* X1-3.5,15.

⁷⁹ *some.* X15; Ψ1.

⁸⁰ *with, added.* Γ1,7,11.

⁸¹ *concerning laws to be put in execution.* X2.
for the operation of laws. X3.

⁸² *certify.* X1-3.5.

⁸³ *knowledge.* X2.

⁸⁴ *notice of it.* X5.
knowledge thereof. Γ1,2,7,11.

⁸⁵ *time.* X1-8.

⁸⁶ *for.* X1,3.

in. Ψ7; Φ2.

⁸⁷ *now.* X9,15; Ψ1,3,5-9,11.

Jesuits, as if it were in Spain or⁸⁸ France. This increase of Papists⁸⁹ is by connivance of persons that be in authority; there are nine hundred and forty persons in houses of Religion, being English, Scotch, and Irish, in the Netherlands, maintained by the Papists of England. And of this I shall deliver the particulars, that we may frame a remonstrance to the King;⁹⁰ and truly inform him, that unless there be some better performance of his Majesties so many answers to our petitions, our Religion will be past recovery.

MR. CORYTON moved that those⁹¹ Papists⁹² by laws or acts of State⁹³ may be removed from their offices and commands, whom we have just cause to suspect.⁹⁴

MR. SELDEN moveth that these things may be debated in order; and first for releasing the Jesuits that were arraigned at Newgate,⁹⁵ whereof one was condemned. They were ten in number⁹⁶ which were priests, who had a college here in London about Clerkenwell; and those men neither could nor durst attempt these acts but that they have great countenancers.

SECRETARY COKE. It is plain there was a place appointed for this college in Clerkenwell, and orders and relics prepared for the same, and that a Minister of State (which is said to be himself) having notice of these ten men, and this college, intended to be kept at⁹⁷ Clerkenwell, made the King acquainted with it, and I should not do my duty, if I should not declare how much his Majesty was affected with⁹⁸ it. His Majesty referred it to the special care of the Lords of the⁹⁹ Council,¹⁰⁰ who examined

⁸⁸ *and.* ¶1,5-11.

⁸⁹ *priests.* X1.
their number. X9.

⁹⁰ *his Majesty.* X1-8.

⁹¹ *all.* X1-10,15.

⁹² *which are in office,* added. ¶4.
priests and Papists. X11.

⁹³ *laws or acts of Statute.* ¶2; ¶2.
laws or acts of Parliament. X4.
acts of Parliament or laws of State. ¶1.

⁹⁴ *if any cause appear to suspect them.* X3.
and therefore no reason to trust them, added. X9,10,13.

⁹⁵ *moved that the business might be examined concerning the release of the Jesuits lately in Newgate.* X1,2,4,5.

I desire it may be examined how those Jesuits that were lately in Newgate were released. X3.
and first that the business might be examined for the releasing of the Jesuits that were arraigned at Newgate. X9,10,13.

⁹⁶ *in all,* added. X3.

⁹⁷ *appointed in.* X1-8.

⁹⁸ *offended with.* X; ¶6,7.
offended at. ¶4.
disliked. ¶1-4,6-12.
misliked. ¶5.

⁹⁹ *his.* X15; ¶2,4.

¹⁰⁰ *Privy Council.* X1.

the same, and gave order to Mr. Attorney to prosecute the law against them. That¹⁰¹ this college was first at¹⁰² Edmonton, removed from thence to Camberwell, and from thence to Clerkenwell.¹⁰³

It was ordered that all the knights and burgesses of the House shall to-morrow morning declare their knowledge, what letters or other hindrances have been¹⁰⁴ for the stay of proceedings against Recusants.¹⁰⁵

Mr. Long,¹⁰⁶ a Justice of the Peace,¹⁰⁷ who is said to understand much in this business of the College of Jesuits at Clerkenwell, sent for and examined, saith, that by the appointment of Mr. Secretary Coke he apprehended these persons, and took their examinations; and saith further, that he heard they¹⁰⁸ were delivered out of Newgate¹⁰⁹ by order from Mr. Attorney. That Mr. Middlemore,¹¹⁰ a general solicitor for the Papists,¹¹¹ hired this house for¹¹² the Lord¹¹³ of Shrewsbury¹¹⁴ a Papist; and that there are divers books of accounts of receipts¹¹⁵ and disbursements to the value of 300¹¹⁶ pounds *per annum* with divers Recusants names who¹¹⁷ allowed towards the maintenance of this college, and these books and papers are in the hands of Mr. Secretary Coke.

It was moved that Secretary Coke should first declare his knowledge in this business.

SECRETARY COKE saith, he cannot so amply¹¹⁸ declare the truth¹¹⁹ of the proceedings herein until he have leave from his Majesty.

One Cross, a pursuivant, belonging to the High Commission Court, who first¹²⁰ gave intimation of the persons to the Secretary, being likewise examined about this business, and being the special man appointed by

¹⁰¹ And it appeared that. X1.

¹⁰² erected at. X3.

¹⁰³ London. X1-8.

¹⁰⁴ been procured. X3.

¹⁰⁵ Jesuits and Recusants. ¶3.

¹⁰⁶ George Long, Esq. ¶7.

¹⁰⁷ in Middlessex, added. X9; ¶7.

¹⁰⁸ these men. X2-5.

these priests. X1.

¹⁰⁹ prison. ¶2.

¹¹⁰ Mildmore. X4.

¹¹¹ priests. ¶1.

¹¹² of. ¶2.

¹¹³ Earl. X9.

¹¹⁴ Salisbury. ¶12.

¹¹⁵ payments. ¶1.

¹¹⁶ 3000. X15.

¹¹⁷ which divers Recusants. ¶3.

¹¹⁸ (as he would), added. ¶4.

¹¹⁹ (as he desireth), added. ¶5.

¹²⁰ at the first. X5.

MR. SECRETARY COKE. I am as careful to maintain a good correspondence with the Lords, as any man; but connivances in¹⁴ this kind may overthrow the fundamental rights and liberties¹⁵ of this House. Let it therefore be seriously considered of, for this matter not only concerneth the right of this House, but the liberty of the whole Commonwealth.

It was ordered that a special select committee shall be appointed to consider of this.

SIR HUMPHREY MAY delivereth an answer in writing from the Lord Treasurer, Chancellor, and Barons of the Exchequer, to the message sent to them by the House of Commons, as followeth:

Whereas the Honourable the House of Commons, by their order of the 12th of this instant February, have appointed that notice should be given to the Lord Treasurer, Chancellor, and Barons of the Exchequer, of a declaration made by Sir John Wolstenholme, Abraham Dawes,¹⁶ and Richard Carmarthen, then in the said House of Commons, of the goods that¹⁷ the merchants brought into the Kings store-house, and laid up there for his Majesties use, were detained, as they conceived, only for the duty of Tonnage and Poundage, and other sums comprised¹⁸ in the book of rates; which notice was so given, to the end the said Court of Exchequer might further proceed therein, as to justice should appertain. Now the Lord Treasurer, Chancellor, and Barons, out of their due respect to that Honourable House, and for their satisfaction, do signify, that by the orders and injunctions of the said Court of Exchequer, they did not determine, nor any ways trench¹⁹ upon the right of Tonnage and Poundage, and so they did declare openly in Court at the making of the said orders; neither did they by the said orders and injunctions bar the owners of the said goods to sue for the same in a lawful course. But whereas the said owners endeavoured to take those goods out of the Kings actual possession by writs or complaints of replevin, which was no lawful action or course in the Kings case,²⁰ nor agreeable to his regal²¹ prerogative: Therefore the said Court of Exchequer, being the Court for ordering the Kings revenue, did by those orders and injunctions stay those suits, and did fully declare by

¹⁴ of. X; F4; §3.

¹⁵ privileges. X2-4.

¹⁶ Sir Abraham Dawes. §1.

¹⁷ that the goods of. X1,2.

¹⁸ contained. X1.

¹⁹ touch. X1,2,11,15.

²⁰ cause. §1.

²¹ royal. §1.

not agreeing with his legal. X1,2

the said orders, that the owners, if they conceived themselves wronged, might take such remedy²² as the law alloweth.²³

Signed,
Rich. Weston, Treasurer.
Lo. Newburgh, Chancellor.
John Walter,²⁴ Chief Baron.
John Denham.
Tho. Trevor.
George Vernon.

MR. KIRTON.* We looked for satisfaction, but now we²⁵ see²⁶ a justification of their actions. I therefore desire we may now proceed to consider²⁷ of their proceedings,²⁸ and whether ever the Court of Exchequer held this course before, for staying of replevins; and whether this hath been done by the regal²⁹ prerogative of the King, or³⁰ in the Court of Exchequer.

It was ordered that a select committee³¹ of the lawyers and Exchequer men, shall take this into their consideration,³² and search into the precedents of the Exchequer.

MR. SELDEN. We have delayed³³ the³⁴ proceedings with³⁵ the customers, expecting³⁶ some good success from the Exchequer; but finding it otherwise, I desire the customers may be called to the Bar on Monday next. Which was ordered accordingly.

At the Committee for Religion

SIR THOMAS HOBBY reported from the Committee for the examination of the keeper and clerk of Newgate concerning the priests, that he and the

²² order. X1,2.

²³ requirith. XI.

²⁴ Waller. Γ1.

²⁵ you. X2,4,9-11,15; Ψ1,2,6-11; Γ1,2,6-9,12; Φ.

²⁶ find. XI.

²⁷ inquire. Ψ8,9.

²⁸ actions. X1-10.

²⁹ royal. X15; Γ7.

³⁰ or omitted in X15; Ψ3,6; Γ; Φ1-3.

³¹ for the examination of the keeper, added. Γ7.

³² shall take this into hand. Γ1.

should consider of it. X1,2,4-15.

should inquire after this. X3.

³³ delivered. Ψ6.

declared. Ψ3,7-10.

³⁴ our. X1-3; Γ7.

³⁵ of. Φ2.

where. Ψ8,9.

³⁶ expected. Ψ8,9.

* From its content it seems probable that this speech was given by Selden. Cf. Grosvenor, p. 207; Nicholas, p. 147.

rest that were appointed for that service did examine the keeper of Newgate, that he had received the first³⁷ of December ten prisoners suspected to be priests,³⁸ and said that at the Sessions next following³⁹ three of them were indicted for priests, and one of them was condemned, who was afterwards reprieved; and the night before the execution, Mr. Recorder sent him a warrant to stay execution, which was seconded by a warrant from⁴⁰ the⁴¹ Lord Chief Justice Hyde. All the rest did refuse the oath of allegiance, and it was ordered that they should be kept until⁴² the next Sessions. And a few days after the Sessions, the Earl of Dorset sent the keeper word, that his Majesties pleasure was that they should be delivered;⁴³ after that a warrant came from Mr. Attorney to bring the priests before him, who took sureties of them to appear within twenty days after notice given at the Council-board, and so they were discharged.⁴⁴

SIR NATHANIEL RICH. I am confident the grace⁴⁵ of the King hath been abused⁴⁶ in this; that therefore⁴⁷ the Privy Councillors of the House may⁴⁸ know whether it was by his Majesties direction.

It was moved⁴⁹ that Secretary Coke may⁵⁰ first declare his knowledge in this.⁵¹

SECRETARY COKE thereupon made a long relation⁵² to the House concerning these priests and the discovery of them, and produced the papers that were found in the house amongst them upon search made; and he said that it did appear⁵³ that they were Jesuits and priests by the inventory

³⁷ tenth. Ψ4.5.

³⁸ Papists. Ψ9.

³⁹ like XI-8.

the 3rd of the same month. XI5.

the 3rd of December last. Ψ1.8; Petyt 538:18.

the 30th of December last. Ψ3-7,9,10.

⁴⁰ sent from. Ψ3.

⁴¹ my. XI,15.

⁴² unto. XI-8.

to. X9.

⁴³ out of prison, added. XI.

⁴⁴ From that he and the rest . . . , follows Ψ; X.

there being a warrant under Mr. Attorneys hand for the delivery of these persons; a warrant under the Lord Chief Justice his hand, according to a letter which he received from the Lord of Dorset, signifying that it was his Majesties pleasure that the priest condemned should be reprieved; another warrant under Mr. Attorneys hand in the Kings name, to release the nine other persons. Γ; Φ.

⁴⁵ good. X9.

⁴⁶ much abused. Ψ10.

⁴⁷ it were fitting therefore. XI-8.

⁴⁸ should. XI-8.

⁴⁹ I desire. XII.

⁵⁰ must. Γ1-5,7-12.

⁵¹ It is evident that this college at Clerkenwell was a college of Jesuits holden under a foreign super and head, added. XI1.

⁵² declaration. Ψ1.

⁵³ which did most apparently prove, added. XI.

of their goods. They had their chapel and library replenished, a common kitchen, buttery, and cellar; their household stuff was all marked with J.S. There was a monthly book of all their daily expenses, and a contracted annual account in Latin, under the rectors hand. It appeared that they had purchased 200⁵⁴£ lands *per annum*, and 60£ in money did remain over and above their expenses. There were also divers⁵⁵ letters, directions, and orders from Popish fathers from Rome, and all⁵⁶ parts beyond the seas. They had an appointed⁵⁷ time of meeting, which was St. Josephs Day, and all that day they spent in saying mass.⁵⁸ And he said all their papers were delivered to Mr. Attorney, who recommended them to Mr. Long.⁵⁹

SIR FRANCIS SEYMOUR taxed⁶⁰ both Mr. Attorneys affection and judgment in this,⁶¹ and also declareth that⁶² continual⁶³ letters were sent from Mr. Attorney in stay of proceedings against Recusants.⁶⁴ You see in this⁶⁵ how slightly Mr. Attorney hath put over a business of this weight⁶⁶ to Mr. Long.

Cross the pursuivant⁶⁷ saith there was an eleventh man in the New Prison,⁶⁸ and the keeper of the prison saith, he was⁶⁹ delivered by warrant from the Council-board.

⁵⁴ 20. X15; Ψ3,5-7,9; Petyt 538:18.

⁵⁵ delivered. Ψ8,9.

⁵⁶ other. X1; Ψ6.

⁵⁷ a, added. Ψ1.

⁵⁸ and all that day they should say mass. Ψ8,10; Petyt 538:18.

and then they should have said mass. Ψ1.

they should say mass. X15; Ψ3,7.

they shall say mass. X9.

when they should say mass. Ψ6.

when they were to say mass. Ψ5.

⁵⁹ Instead of this report: One Cross gave intimation of the persons to the Secretary. *Super totam materiam.* It is evident that the college at Clerkenwell is a college of Jesuits holden under foreign, supreme head. Γ; Φ.

⁶⁰ with vehemency laxeth. Ψ1.

⁶¹ this business. X3,9,10.

⁶² I have heard also of. X3.

⁶³ continually. X5.

⁶⁴ in this business. X1.

against Popists. Ψ5.

his letters for stay of execution and proceedings against Recusants are frequently extant. X15.

⁶⁵ You see (saith he). Ψ1.

And we may herein observe. X3.

He concluded with an observation. X9,10.

⁶⁶ put off this business which was of so great weight and consequence. X1,3,5.

put over a business of this weight and consequence. X9.

⁶⁷ being examined, added. Ψ1.

⁶⁸ like X11,15; Ψ3-7; Φ.

were eleven men in the New Prison. Ψ1,2,8,10.

were eleven men in the prison. Γ.

were eleven men committed. X9,10.

were ten men committed. X1,3,5.

⁶⁹ they were. X1-10; Ψ1,2,8-11; Γ.

SIR JOHN ELIOT. In all this I see his Majesties goodness is clear, and we shall⁷⁰ still retain the comfort of it. You see here a ground of⁷¹ a new Religion, but a foundation for the underminers⁷² of all states,⁷³ and when they should be brought to trial, then I see the over-officiousness of ministers of state to interpose themselves to preserve these to all our ruin.⁷⁴ These men were in subjection to a foreign power, and disclaimed our Sovereign. What could⁷⁵ be their purpose that laboured so to find out a way to free them, but still to work⁷⁶ our ruin? I⁷⁶ fear⁷⁷ the drawing of the indictment was maliciously done.⁷⁸ The persons that I look at are first the Attorney, whom we still find faulty in this matter of Religion, when he⁷⁹ saw the importance of the cause, and had directions from the King and the Council-board, and yet in a cause⁸⁰ that so much⁸¹ concerns the King and people and Religion and all, he must take his own hand away and put it to another; this negligence renders him inexcusable. The next is that great Lord the Earl of Dorset; I find him to interpose.⁸² Let us fix it on his person, and know by⁸³ what warrant he did what was done. I observe another person faulty also; I hear a⁸⁴ priest was condemned, and Mr. Recorder made a reprieval. No man could vent his malice more to this Kingdom⁸⁵ than in the preservation of these men.⁸⁶

Mr. Recorder is ordered to be sent unto, to be examined in this, rather than to be sent for,⁸⁷ having formerly had the honour to sit in the Chair.⁸⁸

⁷⁰ may. X2-5.

⁷¹ is a ground laid for. Ψ1.

⁷² but the founders thereof, who are the underminers. X1-8.

⁷³ estates. X1-8, 10, 11, 15; Ψ5.

⁷⁴ should. X1, 2, 4, 5.
would. Ψ6.

⁷⁵ seek. Ψ1, 8.

⁷⁶ for I. Ψ1.

⁷⁷ find. X15.

⁷⁸ for that purpose, added. Ψ1.

⁷⁹ we. Ψ7, 8.

⁸⁰ case. Ψ8, 9.

⁸¹ near. Ψ5.

⁸² himself herein, added. Ψ1.

⁸³ with. X1-10, 15.

⁸⁴ the. X2, 4, 15.

⁸⁵ No man could have found a way better to vent his malice against King and people. X1.

⁸⁶ No man could find a way to vent his malice more against Church and State than by protecting these men; that this may be fixed on that great Lord, the Earl of Dorset, who I fear hath too much soiled his fingers in this business: And on Mr. Attorney, whom I am sorry I have occasion to nominate so often in this matter of Religion, in stopping of proceedings against Recusants. X1, 5, 9, 10; T; Φ.

⁸⁷ as a delinquent, added. Ψ1.

⁸⁸ Nicholas makes this passage clear. p. 149.

8 Eliot had moved that he be sent for, but on Finch's motion that was changed. Grosvenor, p. 211.

SECRETARY COKE saith, that we shall find⁸⁸ that the King, being merciful in case of⁸⁹ blood, gave direction for the reprieving of the condemned priest.

SIR JOHN ELIOT. I doubt not but when we shall declare the depth of this to his Majesty, he will, instead of mercy, render them to judgment⁹⁰ that gave him advice therein.

SIR NATHANIEL RICH. The Jesuits are bounden to answer further upon notice at the Council-board. I wish these bonds would produce⁹¹ the men, that by the examination of them, we might find out the whole pack of their benefactors and countenancers.⁹²

Mr. Long⁹³ saith, that he offering at the Sessions the evidence against them, by order from Mr. Attorney, the Lord Chief Justice Richardson interrupted him, and told him he must speak to the point in issue, whether priests or no priests; and thereupon the judges consulted amongst themselves.⁹⁴

MR. SELDEN saith, that he was present at the Sessions, and plain treason proved, and nothing done in it.

The further examination of this is referred to a select Committee.

MONDAY THE 16TH OF FEBRUARY

SIR HENRY MARTEN made report,^a that he with others went to the Recorder of London, to know by what warrant he made stay of the execution of the priest. He denied that he gave any order or direction for the stay. And¹ James, the clerk of Newgate,² came to me and said, that he was sorry that he did name Mr. Recorder, for the Recorder gave no direction, but the warrant came from the Lord Chief Justice Hyde. We³ went to the Lord Chief Justice Hyde, and he said that his warrant was⁴ from his Majesty immediately.⁵

SIR FRANCIS SEYMOUR made report to the House and said, myself and others came⁶ to Mr. Attorneys chamber, and not finding him we went to

⁸⁸ desire. FI.

⁸⁹ of shedding. FI.

⁹⁰ justice. X3.

⁹¹ procure. XI5; Ψ3,5-7.

⁹² benefactors and maintainers. Ψ1.

benefactors, maintainers and countenancers. Ψ6.

⁹³ being called, added. Ψ1.

a justice of Midlands, added. Ψ7.

⁹⁴ and so arose, added. Ψ1.

FEBRUARY 16.

¹ Whereupon. Ψ1.

² being there present, added. Ψ1.

³ Whereupon he, the said Sir Henry Marten, with the rest of the Committee. Ψ1.

⁴ came. XI-8.

⁵ who told them that he gave his said warrant by command from his Majesty. Ψ1.

⁶ went. XI-10,15.

^a This report was made at the Grand Committee for Religion. Grosvenor, p. 213.

Mr. Long, who showed us a letter from Mr. Attorney directed to himself, which was all the instructions he had for prosecuting against three⁷ priests, and not otherwise. And for the other men, to take them into a private room, and to offer them the oath of allegiance; which if they refused, then to proceed to a praemunire. And after this we went to Mr. Attorney, and desired him to give us answer to particular questions,⁸ and he set down the answer with his own hand, but afterwards he seemed⁹ loth to deliver it to us, which at last he did.

The answer was read in the House, as followeth:

I did receive order from the Council¹⁰ to proceed against the priests, and I did accordingly proceed against them, and I gave directions,¹¹ and took the examinations and informations, and I sent for Mr. Long, and desired him to take special care¹² therein. I know not, nor never heard, of any lands conveyed to the college, but only in general, and I gave directions to entitle the King to the goods. I understood an indictment was preferred against three of them for treason, and the rest of praemunire; and I receiving a command from his Majesty for their bailment, I conceived¹³ them to beailable.

It was ordered that such as were convicted and condemned, should be proceeded against.

MR. SELDEN reported that he and some others¹⁴ examined Mr. Long, who said that Cross¹⁵ the pursuivant coming from Mr. Attorney with the directions desired a warrant in writing, and so Mr. Attorney sent him the letter before mentioned, and so he indicted them all as priests. And that day¹⁶ they were to be tried, he told the Lord Chief Justice Hyde that he had divers papers that did conduce to prove them priests or Jesuits, and he said he was ready to read them; and thereupon the Lord¹⁷ Richardson said, We are upon a point whether they be priests or not, and they must have right¹⁸ done them. Another judge said, We come to do right to all. The Lord Richardson asked him, if he had any other evidence. He said, he had no other but those papers, which he thought would give clear¹⁹

⁷ *the.* X15; Ψ.

⁸ *every particular question.* Ψ1.

⁹ *but seemed oftentimes.* Ψ1.

which when he had done he was. X15.

¹⁰ *Council-board.* X1.

¹¹ *to have them brought before me,* added. Ψ1.

¹² *order.* X9,11,15; Ψ.

¹³ *supposed.* X9-11,15; Ψ.

¹⁴ *The gentleman and myself appointed for the service.* X11.

¹⁵ *Mr. Cross.* Ψ3,6-10.

¹⁶ *And the same day.* Ψ1.

¹⁷ *Lord Chief Justice.* X3.

¹⁸ *justice.* X3.

¹⁹ *full.* X1-8.

satisfaction. The Lord Richardson said, all that was but discourse; and said further, What say you to the point, priest or no priest? Mr. Long²⁰ answered, I saw not these men made priests; and further said, In the house where they were taken, were found copes and vestments for priests; and he said,²¹ I am ready to open all this, if you please, or to answer any questions.²² The papers contained divers examinations, and yet none were suffered to be read but one.²³

SIR ROBERT PHELIPS. Never was there the like example or precedent; if the judges give us no better satisfaction, they themselves will also be parties.^b

A petition of complaint²⁴ against Sir Henry Marten for disposing of²⁵ the goods of one Brown, who died intestate,²⁶ to his own private use.

SIR HENRY MARTEN. If I prove not myself as clear in this as St. John Baptist let me be counted²⁷ a Jew.²⁸

This was referred to the Committee for Courts of Justice.

At the Committee for Religion

MR. STRODE moved that the Lord Chief Justice may be called to give account for his stay of justice, in staying the execution of the condemned priest;²⁹ which he ought not to have done, though his Majesty signified his pleasure to the contrary.

SIR HUMPHREY MAY. This was a thing so ordinary for a Chief Justice to do in Queen Elizabeth and King James their time, as also³⁰ a

²⁰ To which Mr. Long. ¶1.

²¹ to the Lord Richardson, added. ¶1.

²² which you shall ask concerning such things as I have ready, in the papers, added. ¶1.

²³ and that not being conceived a full proof, the rest were refused, added. ¶1.

Mr. Selden reported from the Committee for the further examination of Mr. Long, concerning the proceedings at Newgate against the Jesuits, whereby it plainly appeareth that the evidence tendered in the Court at Newgate, did plainly testify these men to be priests; yet the Lord Richardson did reject the same, against the sense of the rest of the judges and justices present; whereby it is plain he dealt under hand to save the Jesuits. ¶; ¶.

²⁴ was preferred, added. X2-5.

was presented, added. XI.

²⁵ taking. ¶1,2,8,10.

²⁶ and converting them. XI.

²⁷ accounted. XII; ¶1,11.

reckoned. ¶.

committed. XI,3,6.

²⁸ Judas. ¶7.

²⁹ like XII; ¶6.

Jesuit. X4,5,9,10; ¶1-5,7-9; ¶2.

priests. X3; ¶1.

Jesuits. XI,2; ¶3.

³⁰ And notwithstanding. XI-10,15.

^b The remainder of what is given in the True Relation for this day is an account quite independent of that which precedes. See Introduction for a discussion of the character of the True Relation.

declaration in the Star Chamber, that all condemned priests should be sent to the Castle of Wisbech, and from hence (though the King had given no order for the reprieve²¹) he might have taken his warrant for his proceedings.²²

It was ordered that two members of the House shall be sent to each judge that was present at the Sessions at Newgate, who were said to be the Lord Chief Justice of the Kings Bench, and the Chief Justice of the Common Pleas,²³ Justice Whitelocke, Justice Jones, and Justice Croke.

TUESDAY THE 17TH OF FEBRUARY

Mr. Chambers preferred another¹ petition in² complaint of a warrant newly proceeding from the Council-board,³ for stay of the merchants goods, unless they pay the duties that were due⁴ in King James his time.

SIR JOHN ELIOT. You see, as by the last answer from the Exchequer touching the merchants, that the merchants were bound within that Court to sue for their own, and⁵ now they are debarred from all means of coming by their own goods.

It was ordered⁶ that the customers shall attend the House on Thursday⁷ next, in the meantime it is referred to the former Committee.

It was ordered a Committee of six shall collect and take all the names of those of the House at the Fast, and to meet at⁸ Church by eight of the clock in the morning.

It was ordered that a committee⁹ shall consider⁸ of the speediest way⁹ to put the merchants in possession of their goods, without which it is conceived¹⁰ we sit here in vain.

²¹ like X2,3,5,11; Γ7.

reprieving. X4.

replevy. XI; Γ1-6,8,9,11; *X1,2,4,5.

replevin. *3.

²² have taken them and disposed of them otherwise. XI-8.

he might of taken them and disposed of them otherwise at his pleasure, and from these precedents he may take a sufficient warrant for his proceedings. X9,10.

²³ the two Chief Justices, Hyde and Richardson. X.

FEBRUARY 17.

¹ a new. X9,15.

² in further. *6.

³ table. *1-5,10,11.

⁴ paid. XI.

⁵ so. *1.

that. *5.

⁶ Thursday morning. X5.

Tuesday. Γ3,4.

⁷ meet all at. Γ2.

⁸ shall be to consider. *3.

⁹ a speedy way. *.

¹⁰ it is warned. *.

¹ On Eliot's motion. Grosvenor, p. 217.

² the former committee for the merchants. Grosvenor, p. 218.

The House sent to the judges to know their answer concerning their not proceeding against the priests, whose several answers being in writing under their hands were reported to the House in effect as followeth:^c

SIR THOMAS HOBBY reported from the Lord Chief Justice Hyde, that he doth not remember any papers tendered by Mr. Long were rejected, or that he affirmed they were dangerous persons, and a college of Jesuits; but however, Mr. Long tendered nothing to prove them so, but that he held divers papers in his hand.¹¹

MR. WANDESFORD reported from the Lord Chief Justice Richardson, who said Mr. Long did discourse of the place and house, but did not press the reading of the¹² papers; neither did he know or doth know what was contained¹³ in the papers; neither knew of anything to prove the persons priests.¹⁴

SIR THOMAS BARRINGTON delivered the answer of Justice Jones, who saith that some papers were offered by Mr. Long, but he knew not the contents thereof, nor the reason why they were refused; but he came late for want of his health, and the second day was not there at all.

SIR MILES FLEETWOOD delivered the answer of Justice Whitelocke who said he came late the first day,¹⁵ and therefore understood not the business, and the second day was not there at all.

SIR WILLIAM CONSTABLE delivered the like answer from Justice Croke.

They were all different¹⁶ one from the other, and¹⁷ gave little satisfaction to the House.

SIR THOMAS BARRINGTON saith that, although Mr. Justice Jones did not write the name of the Lord Chief Justice Richardson, yet in discourse he named him to be the man that said, the point in proof is¹⁸ whether they be priests or no priests.

SIR NATHANIEL RICH. Here is a charge of a high nature on¹⁹ the judges by Mr. Long; that now Mr. Long may²⁰ make good his charge, or suffer for it, for (said he) there were witnesses enough in the Court.

¹¹ My Lord Chief Justice Hyde said that Mr. Long said he had such papers and did offer to read them. Ψ10.

¹² any. Φ1.

¹³ intended. X5.

¹⁴ Jesuits. X; Γ1,3,4,8.

¹⁵ by reason of extraordinary occasions, added. X1.
for want of his health, added. X2.

¹⁶ in their answers, added. X5.

¹⁷ which. Ψ10.

¹⁸ is not. Γ1,3-6,8,9; Φ.

¹⁹ laid on. X3.

²⁰ I desire that Mr. Long may. X2,11.

I desire therefore that Mr. Long may. X1.

It were fitting therefore that Mr. Long might. X3.

And moved that Mr. Long may now. X9,10.

And moved that Mr. Long might. X4,5.

that therefore he may be sent for to. X15.

^c These reports were made at the Committee for Religion. Grosvenor p. 218.

It was ordered that Mr. Long should attend the House²¹ on Thursday morning.

It was further ordered that the justices about the Town²² shall be required to deliver²³ in all the names of the Recusants remaining about the Town, and their conditions, and of what country they be.²⁴

It was moved²⁵ that the gentlemen of the Inns of Court and of Chancery shall²⁶ give²⁷ in their knowledge what Recusants are there.²⁸

SIR JOHN STANHOPE moved that the Court may give in the names of the Recusants there, and likewise by what warrant they be about the Town,²⁹ and what public charge of office any of these persons have. Also what priests and Jesuits are in any prison in or about London, for they are at liberty to go sometimes five miles to say mass.

WEDNESDAY THE 18TH OF FEBRUARY

A public Fast was kept by this House at Westminster, where there were three sermons, one by Mr. Harris, lecturer of St. Margaret, the second by Mr. Harris of Hanwell, the third by Mr. Fitz-Jeoffery.¹

THURSDAY THE 19TH OF FEBRUARY

The customers did appear to answer to the violation of the privilege of Parliament by delaying of a merchants goods that is a member of the House.

Mr. Rolles, the merchant, said, that he landed his goods, and one Carmarthen seized them, and said,¹ he knew he was a Parliament man; and that he took them not alone, but, he said, if he had been alone, he would have done what he did. And upon the fifteenth day of January,

²¹ be here. X15; Ψ; Γ1-6,8,9; Φ.

be there. Γ7.

²² this time. Φ.

²³ give. X1-8.

bring. Γ5-7,11.

²⁴ and what charge or office they bear. X3.

²⁵ ordered. Ψ1-6,10,11; Γ1.

²⁶ may. Φ.

²⁷ also deliver. X1-8.

²⁸ The gentlemen of Inns of Court and Chancery are to do the like. X9,15.

²⁹ by warrant the names of those that be about the Town. Φ3.

by warrant that be about the Town. Φ2.

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¹ which continued that whole day, added. X2.

FEBRUARY 19.

¹ and when he seized them, he said. X1.

Mr. Rolles said he demanded the privilege of Parliament and was denied it, and upon the twentieth of January, he had other goods seized and taken away.^a

Mr. Dawes, a customer, was called to the Bar and was asked by what authority he took Mr. Rolles his goods. He said by virtue of a warrant sent from his Majesty, and being asked if Mr. Rolles demanded privilege, he said he knew Mr. Rolles was a Parliament man, and had privilege for his person, but not for his goods as he conceived. And he said he did not inform the Lords of the Council that Mr. Rolles demanded privilege of Parliament.^b

SIR HUMPHREY MAY. The King and the Council took notice that this man was a Parliament man, and it was the first time, and it was for the Kings revenue, and for such duties Parliament privileges never held.^c

SIR PETER HEYMAN. Our mouths are stopped if this be the Kings revenue.^d

Mr. Dawes was called in again and asked for what duties he took them, and he said for such duties as were received and paid in King James his time, and that they were^e for Tonnage and Poundage, and he said he was commanded by the King, that if he should be asked for what duties, he should make this answer; and withal he protested that he knew not that privilege of Parliament extended to mens goods, which if he had known, he would rather have suffered in his own particular, than in the least thing to have violated the same.^f

Mr. Carmarthen was called in, who said he took Mr. Rolles his goods for duties paid in King James his time, and said he knew Mr. Rolles was a Parliament man, and that Mr. Rolles told him he was to be privileged, whereunto he answered that he had no commission to spare him. And if the whole body of the House were contained^g in him, I said, I could not do otherwise; and if I said I could^h not, it was because I could not.ⁱ

^a Mr. Dawes, one of the customers called in to answer the point of privilege in taking Mr. Rolles his goods, being a member of this House, saith, he took Mr. Rolles his goods by virtue of a commission under the great Seal; and other warrants remaining in the hands of Sir John Eliot: That he knew Mr. Rolles to be a Parliament man, and that Mr. Rolles demanded his privilege. but he did understand that his privilege did only extend to his person and not to his goods. Ψ; Γ; Φ.

^b and it was the first time that for the Kings revenue and for duties, Parliament privilege ever held. as I conceive, added. X2,4,6,7.

^c if the Kings revenue be questioned. Ψ10.

^d Mr. Dawes further saith, that he took those goods for such duties as were due in King James his time; and that the King sent for him on Sunday [Saturday Φ; Monday, Γ7] last, and commanded him to make no further answer. Ψ; Γ; Φ.

^e contracted. X3.

^f Mr. Carmarthen, another customer, called in, saith, he knew Mr. Rolles to be a Parliament man; and that he told Mr. Rolles that he did not find any Parliament man exempted in their Commission; and if all the body of the House [Parliament, Ψ5] were in him, he would not deliver the goods; if he said he would not, it was because he could not. Ψ; Γ; Φ.

^g This is what Mr. Dawes the customer said about Mr. Rolles (Grosvenor, p. 221; Nicholas, p. 155). It was the customers, not the merchants, who were being examined.

^h and that they were should read and being demanded whether they were. See Nicholas, p. 155-56; Grosvenor, p. 221.

ⁱ would. Nicholas, p. 156.

SIR JOHN ELIOT. I rise up rather to give occasion to others than to deliver my own opinion myself. We see it is not only for the interest of the goods of a member of this House, but also for the interest of this House; if we let this go, we shall not be able to sit here. Here are two degrees, or steps, to come to our conclusion: the first whether we conceive these parties to be delinquents or no, and to have violated our privileges, whether one or both; and if they be delinquents, what punishment they shall merit.

MR. WANDESFORD moved that the delinquency of these men may be declined for the present, and that we may first go to the King by way of Remonstrance, considering the matter from whence this doth arise; if it⁸ were a single privilege, it were easily determined.

MR. SELDEN. If there be any near the King⁹ that doth misinterpret and misrepresent our actions, let the curse light on them and not on us. And, believe me,¹⁰ it is high time to right ourselves; and until we vindicate ourselves in this, it will be in vain for us to sit here.

SIR NATHANIEL RICH moveth not to proceed in this, until it be by a select committee considered of,¹¹ in respect¹² the King himself gave order to stay those goods, though¹³ the goods of a Parliament man.

SIR JOHN ELIOT. The heart-blood of¹⁴ the Commonwealth receiveth life from the privilege of this House.¹⁵

It is resolved by question that this shall be presently taken into consideration; and, being conceived to be a business of great consequence, it is ordered that the House shall be resolved into a committee for more freedom of debate.

Mr. Herbert in the Chair of this Committee.

FRIDAY THE 20TH OF FEBRUARY

A petition of complaint of a conspiracy against a mans life was presented against¹ the Lord Deputy of Ireland and others, to get² the estate

⁸ *there.* Ψ1-4,6-11.

⁹ *his Majesty.* X.

¹⁰ *it.* X15; Ψ2,4-11; Γ2-12; Φ.

¹¹ *until there be a select committee to consider of it.* Φ 3.
but by a select committee. X1.

¹² *regard.* X3,11; Φ1,2,4,5.

¹³ *though they be.* Ψ6.

¹⁴ *of the liberty of.* Ψ3,6-9; Γ1,10; Φ1,2,4,5.

¹⁵ *Parliament.* X15.

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¹ *of a mans life by.* Ψ3,5-9; Γ1-9; Φ3.

for a mans life by. X9,11.

² *who sought to get.* X3.

of the petitioner to their own use; which was referred to the Committee for Courts of Justice.²

Sir John Wolstenholme, another³ of the customers, called in, saith, that he was commanded from the King⁴ to say that the goods were taken for duties, and no more; that he sought not to farm⁵ the customs, and told the King, being sent for to⁶ him, that he was not willing to deal therein, until the Parliament had granted the same.⁷

At a Committee of the Whole House about the Customs

Whereupon the warrant⁸ from the King to the customers was read⁹ in *hac verba*.

Carolus Dei Gratia, Angliae Scotiae, Franciae and Hiberniae Rex, Fidei Defensor etc. To the Lord Treasurer, Chancellor and Barons of the Exchequer, and to the customers of our ports, etc.

Whereas the Lords of our Council, taking into their consideration our revenues, and finding that Tonnage and Poundage is a principal revenue of our crown, and hath been continued many ages, have therefore ordered, that all those duties of subsidies, customs, and imposts, as they were in the two¹⁰ and twentieth year of King James,¹¹ and as they shall be appointed by us under our Seal, to be levied.

Know ye, that we, by the advice of the Lords of our Council,¹² declare our¹³ will hereby, that all those duties be levied and collected as they were in the time of our said father, and in such manner as we shall appoint. And if any person refuse to pay, then our will is, that the Lords of our Council, and the Lord Treasurer, shall commit to prison such so refusing, until they conform themselves. And we give full power to all our officers to receive, levy, and collect the same; and we command our barons and all our officers from time to time to give all assistance to the farmers of the same, as fully as when¹⁴ they were collected by Act¹⁵ of Parliament.

The lease made from the King to the customers was also read.

² one. X.

³ the King commanded him. X9, 11, 15.

⁴ he was sought to to farm. 41.

⁵ by. 42.

⁶ them. XII.

until his Majesty had it granted by Parliament. X3.

⁸ The commission or warrant. X.

⁹ in the House, added. X2, 3, 5-10, 15.

¹⁰ one. X9; 41.

¹¹ our late royal father, added. 41.

¹² Privy Council. XI.

¹³ and. X2.

¹⁴ if. X2.

¹⁵ authority. X9; 41.

¹⁶ Cf. Grosvenor, p. 225; C.J. 1:931; Nicholas, p. 158.

MR. SELDEN conceiveth the case of these three customers to differ in the degrees of their offences.

First, for Sir John Wolstenholme, whatever he saith here, he hath often confessed that the goods were taken for Tonnage and Poundage; so that as he brake the privilege in taking the goods, so likewise in swearing¹⁶ one thing, and the contrary plainly appearing upon proof and his own confession, he plainly deserves punishment.

Secondly, Mr. Dawes his case¹⁷ differeth only, in¹⁸ that Sir John Wolstenholme is a patentee, and Mr. Dawes only a sharer.

Thirdly, Mr. Carmarthens case¹⁹ differeth in saying, if all the Parliament were in him, he would not deliver the goods.

It was ordered^b that Wolstenholmes case shall be first decided; and the point is, whether by the lease Sir John Wolstenholme, having seized the goods, hath interest or no, or whether he be only an accountant to the King or not.

MR. GLANVILLE. Here is a sum of money advanced, a lease granted for certain years, a certain rent reserved;²⁰ and though there be a covenant to these men, that if there be any loss it shall be abated, yet that²¹ cannot take away their interest. The substance of the affidavit²² made by the customers in the Exchequer is that the goods of the merchants, seized by them and remaining in the Kings store-house, were seized only for duties to the King mentioned in a commission²³ under the Kings signet;²⁴ and that themselves, the customers, had no interest or pretence of interest in the goods.²⁵

SATURDAY THE 21ST OF FEBRUARY

A petition was preferred¹ by Mr. Thomas Symons, in further complaint of the customers; and the two shillings and six pence of² the

¹⁶ saying. F7.

¹⁷ cause. G.

¹⁸ in this. X3,9.

¹⁹ cause. G1,3-5.

²⁰ received. W6,7; F1-6,8,9,11.

²¹ he. G3.

²² offences. G1,3.

²³ made, added. F1.

²⁴ hand. X3.

²⁵ interest therein. W1.

^b On Eliot's motion. Grosvenor, p. 226.

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¹ delivered. W1.

² tendered. W3.

³ upon. X4; F; G.

currants granted the Earl of Arundel:³ which is referred to the Committee for Merchants.

SIR ROBERT PYE saith, the Earl of Arundel³ hath delivered in his patent to the King two months since.

At the Committee for Merchants

MR. LITTLETON. Before we go to the point of delinquency, let us consider the point of law. The Parliament is prorogued until⁴ the twentieth of October, a member of the House hath his goods seized for the King; and he, demanding privilege of the House, whether he ought to have it or no. The questions are three:

First, whether a member of the House is⁵ to have privilege of⁶ his goods. I answer, The ground of all privilege is for public service for the general good of the Commonwealth, therefore all private interest must yield and give place, and the privilege of Parliament exceeds and is above⁷ all other privileges and courts, and Parliament only can decide Parliament privileges, not any other judges or courts. No man denies that privilege of person is to be had, the same reason is for goods, for if he⁸ be impleaded for his goods, he cannot attend to sit here. A man cannot distrain a member of the House of Parliament⁹ for rent in time of Parliament, but for arrearages afterwards¹⁰ he may. He is not to be impleaded in¹¹ action personal, nor his goods to be seized. A record and Act of Parliament remains in the Exchequer that, because a member of Parliament is in the Kings royal protection, it might be high treason for one to kill such a man,¹² and the Kings answer made it a law; and for the judges to undermine privilege of Parliament were to supersede and make void the law.

2. The second question is, whether a Parliament man ought to have privilege upon the prorogation notwithstanding the¹³ proclamation of a new prorogation. I answer, he ought to have it. We are to have it sixteen days coming and going.

³ Lord of Arundel. X1-8,10; ¶7; ¶; ¶1.4.5.

Lord Arundel. ¶3.5.6,9,11; ¶2.3.

⁴ to. X2.4.5.9.

⁵ ought. X3.5.

⁶ for. X9.

⁷ goes beyond. X1.

⁸ a man. X3.

⁹ the House. X3.5.
this House. X2.

¹⁰ after the ending of the Parliament. X1.

¹¹ in an. X2.4.

¹² kill a Parliament man. X9.

¹³ a. X2-4.

3. Whether privilege of goods doth hold against the King. I say, it doth hold; the King is never so high in point of justice¹⁴ as in Parliament. In my Lord Stanhopes case, the last Session, it was resolved that in all cases, except for felony¹⁵ or breach of the peace, Parliament privilege doth hold: he citeth the case of Sir Robert Howard in the High Commission,^a that all are privileged unless it be in case of treason; and divers other arguments to this purpose were made.¹⁶

SIR ROBERT PHELIPS. Thus you see how fast¹⁷ the prerogative of the King doth trench upon the liberty of the subjects, and how hardly it is recovered. Citeth many precedents wherein¹⁸ the goods of a member of Parliament were privileged from seizure in the Exchequer. In 19th¹⁹ of Elizabeth, it was resolved in Parliament, that twenty days before, and twenty days after, was the time of privilege.

SIR HUMPHREY MAY. That in this debate we may tie ourselves to point of law and authority, and not to point of reason.²⁰ And conceiveth that no privilege lieth against the King in point²¹ of his duty.

SIR FRANCIS SEYMOUR. I desire it may be first debated, whether this case²² doth concern the King or no; for I conceive that these customers have not made good that there was any right, here is only art used to entitle the King. I conceive it to be an high offence for any man to lay the scandal upon the King of every project.

¹⁴ State. X9.

¹⁵ cases but for. X1.

cases unless it be for treason. X9,10.

cases for. X3,5.

¹⁶ Mr. Littleton argueth, whether a member of the House hath his goods privileged upon a prorogation, being seized for the King. All privilege is allowed for the benefit [good, Φ1] of the Commonwealth, and the Parliament privilege is above any other, and the Parliament only can decide privilege of Parliament, not any other judge or court. That a man may not distrain for rent in Parliament time, but for all arrearages after the Parliament he may distrain. He is not to be impleaded [distrained, Ψ9; employed, Φ1] in any action personal, nor his goods seized in the Exchequer. A record and act of Parliament by petition, that because a servant of a member of Parliament is in the Kings royal protection, that it might be high treason to kill a Parliament man; and the King answered [affirmatively, Φ1; accordingly, Ψ1, added] which made it a law. And for the judges to determine privilege of Parliament were to supersede [super-head, X15; Ψ6,7,9; 108; 795; Γ1-3,5,6,8-11; suspend, Γ7] and make void the law. For the prorogation, the privilege stands good until the day of prorogation, notwithstanding a proclamation of a new prorogation. That the King is never so high in point of State as in the Parliament; citeth the case of Sir Robert Howard in the High Commission. All privileges [and all privilege is good, Ψ1] unless in felony, treason, or breach of the peace. X11,15; Ψ; Γ; Φ.

¹⁷ fast and how far. X1-10,15.

first. Ψ1.

much. Ψ8.

¹⁸ The precedents are many which show. X11.

¹⁹ 12. Ψ1.

²⁰ treason. Ψ2-7.

²¹ case. X1-8.

²² cause. Φ5.

care. Γ1.

^a See Hatsell, 1:180-81.

MR. GLANVILLE. Here is a cunning affidavit in²³ the Exchequer to entitle the King; a mere cunning project, and an offence of an high nature, to shelter their projects under the command of the Crown.²⁴

SECRETARY COKE. The point in question is not the right of the subject, but the right of the Parliament privilege, and that particularly in the case of Mr. Rolles; and this is only now in question.

SIR JOHN STRANGEWAYS.²⁵ I know²⁶ no reason why we should draw a question upon ourselves, which we need not, especially between the King and us. I conceive it is plain that these customers took the goods in their own right and not in the Kings. In this the privilege is plainly broken, and therein the question is²⁷ easily determined.²⁸

MR. BANKS. In this case there is no interposing of the Kings right, and the King by his proclamation this Parliament hath declared as²⁹ much. That the Courts at³⁰ Westminster do grant twelve days privilege to any man to inform his counsel, much more the Court of Parliament are³¹ to have their privilege. The Kings command cannot extend to authorize any man to break the privilege, no more than it will warrant an entry upon a mans land without process of law.

MR. SOLICITOR. If the King³² hath no right, how can he make a lease? Then this pretended interest³³ of the customers must be void; and therefore the goods must be taken, not in their own right, but in the right of the King.

MR. SELDEN. If there were any right, the pretended right is in the subject.³⁴

First, whether privilege in goods.

Secondly, whether the right were in the customers only.

Thirdly, whether privilege against the King.

1. If the Lords have no privilege of Parliament for their goods, then they have no privilege at all, for they are privileged in their persons out of Parliament.

2. For the point of interest, it is plain, no³⁵ kind of covenant can alter the interest; and questionless, had the case³⁶ in the Exchequer

²³ made in. X3.

²⁴ King or crown. Γ2-4.

²⁵ Sir John Eliot. X6.

²⁶ see. X.

²⁷ wherein it is. Ψ; Γ; Φ.

²⁸ undermined. Ψ6.

²⁹ thus. Φ2.

³⁰ of. Γ1,3,6,8,10.

³¹ ought. X3.

³² he. Ψ1-5,10,11.

³³ right. X1-8,10; Ψ1,2,8,10,11.

³⁴ customers. X6.

³⁵ for no. Γ.

³⁶ cause. X9,11; Ψ6,7,9; Γ7; Φ1.
if that the case. Ψ3.

appeared to the Barons, as it doth to us, they would never have proceeded as they did.

3. If our goods may be seized in the Exchequer, be it right or wrong, we were³⁷ then as good have nothing.

SIR NATHANIEL RICH. It was recorded³⁸ the last Session in the Lords³⁹ House, and citeth other⁴⁰ precedents⁴¹ in this House, that the servant of a member of Parliament ought to have privilege in his goods.

Decided by question that⁴² a Parliament man ought to have privilege in his goods.

MR. NOY. That⁴³ these customers had neither commission nor command to seize; therefore, without doubt, we may proceed safely to the other question, that⁴⁴ the privilege is broken by the customers, without relation to any commission or command of the King.

SECRETARY COKE. It is in the commission to seize.

Whereupon⁴⁵ the commission was read,⁴⁶ and there was no such thing found therein, but only to levy.⁴⁷

SIR HUMPHREY MAY. Mr. Dawes mentioned⁴⁸ that he seized those goods by virtue of a commission and other warrants remaining in the hands of Sir John Eliot; he moved therefore that those warrants may be seen, whether there be not command therein to seize the goods.

SIR NATHANIEL RICH. This days debate much rejoiceth⁴⁹ me, especially the motion made by Mr. Noy, whereby it is plain we have a way open to go to this question, without relation to the Kings commission or command; and I desire,⁵⁰ in respect there appeareth nothing before us that doth encumber us,⁵¹ that we may presently go to the question.⁵²

³⁷ *had.* XI,2; FI,6,8.

³⁸ *ordered.* XI-8,15.

³⁹ *lower.* ¶6-9.

in this. XII,15.

⁴⁰ *many.* X3.

and there are divers other. XII,15.

⁴¹ *proceedings.* ¶3.

⁴² *The question being decided.* ¶1.

And it hath been decided by question that. XII.

⁴³ *I see not how.* XI.

I think that. XI5.

⁴⁴ *for.* XI-8; FI1.

⁴⁵ *Then.* X3.

⁴⁶ *but the commission being read.* X; ¶; FI-7,9,11; ¶.
as followeth, added. FI5,7.

⁴⁷ *it is not found to be there.* ¶; FI-4,6,8-10; ¶.

it is not found. FI5.

no such thing appeareth. XII.

⁴⁸ *said.* FI4,7.

⁴⁹ *joyeth.* ¶.

⁵⁰ *regard.* XI.

⁵¹ *nothing to encumber us.* XI,2,4,5; FI1.

nothing to the contrary that may encumber us. ¶6.

⁵² *and desires it, in respect there appears nothing before us that doth encumber the question.* FI; ¶.

SIR HUMPHREY MAY again desireth that these warrants may be looked into⁵³ before we go⁵⁴ to the question.

MR. KIRTON. In respect⁵⁵ this honourable gentleman presseth this point so far, the⁵⁶ warrants may be read,⁵⁷ that it may appear with what judgment this House hath proceeded.⁵⁸

MR. GLANVILE. I consent these warrants be sent for and read; but withal, if any thing arise⁵⁹ that may produce any thing of ill consequence, let it be considered from whence⁶⁰ it doth come.

The Privy Councillors here are content with this motion.

The warrants being sent for⁶¹ and read,⁶² it is plain there is no warrant⁶³ to seize.

MR. KIRTON. If now there be any thing⁶⁴ of doubt, I desire these honourable persons to make their objections.⁶⁵

SIR HUMPHREY MAY. I rejoyce when I can go to Court able to justify your⁶⁶ proceedings. I confess I see nothing now but that we may safely⁶⁷ proceed⁶⁸ to the question.

SECRETARY COKE saith as much.

MR. HAKEWILL argueth against privilege in the time of prorogation.⁶⁹

MR. NOY saith he had⁷⁰ no doubt but privilege was in force in time of prorogation, until he heard this argument of Mr. Hakewill; and saith, he hath heard nothing from him yet that doth alter his opinion; and

⁵³ read and looked into. ¶5,6.
perused. X15.

⁵⁴ proceed. ¶1,3,10.

⁵⁵ Because. ¶1-4.

⁵⁶ I desire the. ¶5.
and desireth. ¶6.

⁵⁷ it may be granted. ¶8,9.

⁵⁸ that it may appear with what judgment this House hath proceeded, [doth proceed, X7] let it be so as he desires [requireth, X3]. X1-8,10,15; ¶11.

⁵⁹ if any thing be read of which ariseth, ¶2-4.

⁶⁰ whom. ¶1,2,10.

⁶¹ brought. X1,2,4-11.

brought in. X3.

brought forth. X15.

⁶² examined. ¶7.

⁶³ command or warrant. X3,4; ¶11.
command. X2,5.

⁶⁴ manner. X1-8; ¶11.

⁶⁵ I desire there may be objections made by these honourable men. ¶3.

⁶⁶ our. ¶2.

⁶⁷ easily. ¶1,6-12.

⁶⁸ go. X1,3-5,15; ¶11.

⁶⁹ saith he is glad to hear that it is so. ¶3.

⁷⁰ made. ¶1.

citeth a case wherein the Lords House hath this very prorogation adjudged the privilege.⁷¹

MR. HAKEWILL saith that he is glad to hear it is so, and he is now of the same opinion.⁷²

It was decided by question, that Mr. Rolles ought to have privilege of Parliament for his goods seized 30 October, 5 January, and all times⁷³ since.

This Committee is adjourned until Monday, and the customers are to attend then.

MONDAY THE 23RD OF FEBRUARY

At the Committee about the Customers and the Seizure of Mr. Rolles his Goods

SIR ROBERT PHELIPS. Let us now begin with the delinquency of these men, the customers, and sever them.¹

MR. LITTLETON. I should be very sorry to see this House spare offenders, and punish free men; if any offence be done, some² have done³ the crime. Let us⁴ examine who they are, and let them⁵ be made examples⁶ to deter others.

SIR HUMPHREY MAY. I will never cease to give you the best advice I can. We all agree a wound⁷ is given. We have wine and oil before us. If we go to punish delinquents⁸ there is vinegar in the wound;⁹ therefore think on some course to have restitution made.

SIR JOHN ELIOT. The question¹⁰ is whether we shall first go to the restitution,¹¹ or to the point of delinquency;¹² but now some raise up

⁷¹ the case of privilege. ¶5.

adjudged one privileged. X9,10.

I see nothing in it to alter my opinion, for in a case remaining in the Lords House upon record, there is this very word prorogation adjudged privileged. XII.

⁷² Mr. Hakewill submits to Mr. Noy and so they both with the rest conclude. XI5.

⁷³ and also since. ¶3.

and ever since. ¶8,9.

FEBRUARY 23.

¹ and let us proceed with diligence to do what may conduce to the honour of this House, and justice of the same. XI.

² some men. X5.

³ committed. XII,15.

⁴ And let them. ¶10.
thoroughly search and, added. XI.

⁵ I heartily wish and desire they may. XI.

⁶ to posterity, added. XI.

⁷ word. XI5; ¶2-11; ¶.

⁸ delinquency. XI5; ¶.

⁹ wine. ¶2-4.

¹⁰ point. XI.

thing. X9.

¹¹ point of restitution. ¶5.

¹² the point of restitution or delinquency. XI-10.

difficulties in opposition¹³ to¹⁴ the point of delinquency of breach of Parliament, and other fears. I meet with this both here and elsewhere. Take heed you fall not upon a rock. I am confident that this would be somewhat difficult, were it not for the goodness and justice of the King. Let us do that which is just, and his goodness is so clear, that we need not mistrust. Let these terrors that are threatened¹⁵ light on them that made them. Why should we fear the justice of the King, when we do that which is just? Let there be¹⁶ no more memory of fear of breaches¹⁷ of Parliament, and let us now go to the delinquency of these men, and that is the way¹⁸ to procure satisfaction.

SECRETARY COKE. We laboured the last day to bring us to our¹⁹ end, and now we fall to this issue, to proceed to the delinquency of these men. Our ground is because they had no command²⁰ from his Majesty. I must speak plain English; his Majesty took notice of our labour last Saturday, and that we endeavoured to sever the act of the customers from his Majesties command. His Majesty commanded me to tell you, that it concerns him in an high degree of justice and honour; that the truth be not concealed, which is that what they did was either by his own direct order and command, or by order of the Council-board, himself being present and assisting, and therefore he will not have it divided from²¹ his act.

Report was made from the Grand Committee, that they took into their consideration the violation of the liberty of the House by the customers; and at last they resolved, that a member of the House ought to have privilege of person and goods, and the command of his Majesty is so great,²² that they²³ leave it to the House.²⁴

SECRETARY COKE reported that message and command from his Majesty, and said, that howsoever this House labours to sever the Kings²⁵ interest, his Majesty thinks that this distinction will not clear his honour

¹³ operation. XII; ¶5-7,9.

¹⁴ of. X2,3,5,9,11,15; ¶3,5-7,9,10; ¶11.

¹⁵ on us, added. ¶1.

¹⁶ Let no fear divert us, let there be. ¶5.

¹⁷ fear of breaches. XI,11.

fear or memory of breaches. ¶.

¹⁸ only way. ¶1.

¹⁹ an. XI5; ¶8.

²⁰ commission. XI.

²¹ denied to be. ¶9.

²² but his Majesties command being so great. XI-8; ¶11.

²³ thought good to, added. XI.

²⁴ further to consider and determine therein, added. XI.

²⁵ this. ¶9.

He is²⁶ the fountain of honour, and he will not be drawn²⁷ to do that which may touch him,²⁸ though others²⁹ may make distinctions.

SIR ROBERT PHELIPS.³⁰ I had rather pray to God³¹ to direct us than to take upon me to give any direction now. The Kings honour, justice, and government³² are now presented unto us, and³³ also the essential liberty of this House, and are we now fit for debate or counsel? In the greatest retirement³⁴ our best thoughts are summoned to resolve what to do.

Hereupon there were certain heads and articles of religion drawn up by consent of the whole House, intended to have been presented unto his Majesty, agreed upon at a subcommittee, the tenor whereof followeth.³⁵

HEADS AND ARTICLES AGREED UPON BY THE HOUSE³⁶

1. That we call to mind, how that in the last Session of this Parliament we presented to his Majesty an humble Declaration of the great danger threatened to this Church and State, by divers courses and practices tending to the change and innovation of Religion.

2. That what we then feared, we do now sensibly feel, and therefore have just cause to renew our former complaints therein.³⁷

3. Yet³⁸ we do with all humble thankfulness acknowledge the great blessing we have received from Almighty God, in setting a King over us, of whose constancy, in the profession and practice of the true Religion here established,³⁹ we rest fully assured,⁴⁰ as likewise of his most pious zeal and careful endeavour for the maintenance and propagation thereof; being so far from having the least doubt of his Majesties remissness

²⁶ and he being. XI-8; ¶11.

²⁷ any ways, added. XI.

²⁸ his honour. XI; ¶7.
himself. XII,15.

²⁹ other men. X5.

³⁰ Coke. ¶9.

³¹ our God. XI.

I stand up rather to pray to God than. XI5.

³² goodness. XI5.

³³ as. ¶10.
together with. XI5.

³⁴ concernments. ¶1.

³⁵ and upon Wednesday the Heads of [or ¶12] Articles for Religion being presented to the House, and read as followeth. ¶1,12.

³⁶ Heads or Articles to be insisted on concerning Religion, agreed on at the sub-committee of Religion 24 Feb. 1628. XI0.

Heads or Articles to be insisted on, and agreed upon at a Sub-Committee for Religion, the 25th of February 1628. ¶1,12.

³⁷ herein. ¶1.

³⁸ That (yet nevertheless). ¶1.

³⁹ professed and maintained amongst us. XI.

⁴⁰ satisfied and assured. XI.

therein, that we next under God ascribe it unto his own princely⁴¹ wisdom and goodness, that our Holy Religion hath yet any continuance⁴² at all amongst us.

4. But for that the pious intention and endeavour even of the best and wisest princes are often frustrated through the unfaithfulness and carelessness of their ministers, and that in this kind we find a great unhappiness to have befallen his Majesty this way, we think, that being now assembled in Parliament to advise of the⁴³ weighty and important affairs concerning Church and State,⁴⁴ we cannot do a work more acceptable, than in the first place, according to the dignity of the matter, and necessity of the present occasions, faithfully and freely to make known, what we conceive may conduce to the preservation of Gods Religion, in great peril now to be lost, and therewithal the safety and tranquillity of his Majesty and this Kingdom threatened with certain dangers.

For a clear proceeding therein we shall declare:

First, what those dangers and inconveniences⁴⁵ are.

Secondly, whence they arise.

Thirdly, how in some sort, we hope they may be redressed.

The dangers may appear partly from the consideration of the state of Religion abroad, and partly from the condition thereof within his Majesties own Dominions, and especially within this his Kingdom of England.

From abroad we make these observations:

1. First, the mighty and prevalent party, by which true Religion is actually opposed, and the contrary maintained.

2. Secondly, their combined counsels, forces, attempts, and practices, together with a most diligent pursuit of their designs, aiming at the subversion of all the Protestant Churches in Christendom.

3. Thirdly, the weak resistance that is made against them.

4. Fourthly, their victorious and successful enterprises, whereby the Churches of Germany, France, and other places are in a great part already ruined, and the rest in the most weak and miserable condition.

In his Majesties own dominions these:

1. First in Scotland, the stirs lately raised and insolences committed by the Popish Party hath already not a little disquieted that famous church, of which (with comfort we take notice) his Majesty hath expressed himself exceeding sensible, and accordingly given most royal and prudent directions therein.

2. Secondly, Ireland is now almost wholly overspread with Popery, swarming with Friars, Priests, Jesuits, and other superstitious persons of

⁴¹ particular. XI.

⁴² countenance. XI.

⁴³ many. XI.

⁴⁴ Commonwealth. XI.

⁴⁵ main enemies. XI.

all sorts, whose practice it is daily to seduce his Majesties subjects from their allegiance,⁴⁶ and to cause them to adhere to his enemies. That even in the City of Dublin, in the view of the State, where not many years since, as we have been very credibly informed, there were few or none that refused to come to Church, there are lately restored and erected for Friars, Jesuits, and idolatrous Mass-Priests, thirteen houses, being more in number than the parish churches within the city, besides many more likewise erected in the best parts of the Kingdom; and the people almost wholly revolted from our Religion, to the open exercise of Popish superstition. The danger from hence is further increased by reason of the intercourse which the subjects of all sorts in the Kingdom have into Spain, and the Arch-Duchesses country; and that of late divers principal persons being Papists are trusted with the command of soldiers, and great numbers of the Irish are acquainted with the exercise of arms and martial discipline, which heretofore hath not been permitted, even in times of greatest security.

Lastly, here in England we observe:

1. An extraordinary growth of Popery, insomuch that in some counties, where in Queen Elizabeths time there were few or none known to be Recusants, now there are above two⁴⁷ thousand, and all the rest generally apt to revolt.

2. A bold and open allowing of their Religion, by frequent and public resort to mass in multitudes without control, and that even to the Queens Court, to the great scandal of his Majesties⁴⁸ government.

3. Their extraordinary insolence, for instance the late erecting of a College of Jesuits in Clerkenwell, and the strange proceedings thereupon had⁴⁹ in⁵⁰ favour of them.

4. The subtile and pernicious spreading of the Arminian faction, whereby they have kindled such a fire of division in the very⁵¹ bowels of the State, as if not speedily extinguished, it is of itself sufficient to ruin our Religion, by dividing of us from the Reformed Churches abroad, and⁵² amongst ourselves at home; and by casting doubts upon the Religion professed and established, which if faulty or questionable in four or five⁵³ articles, will be rendered⁵⁴ suspicious to unstable minds in all the rest, and incline them to Popery, to which those tenets in their own nature

⁴⁶ obedience. XI.

⁴⁷ twenty. XI.

⁴⁸ gracious and religious, added. XI.

⁴⁹ used. ¶1.

⁵⁰ the countenance and, added. XI.

⁵¹ belly and, added. XI.

⁵² separating, added. ¶1.

⁵³ three or four. ¶1.

⁵⁴ doubtful and, added. XI.

do prepare the way. So that if our Religion be suppressed and destroyed abroad, disturbed in Scotland, lost in Ireland, undermined and almost outdared in England, it is⁵⁵ manifest that our danger is very great and imminent.

The causes of which danger here, amongst divers others, we conceive to be chiefly these:⁵⁶

1. The suspension or negligent execution⁵⁷ of the laws⁵⁸ against Popery: instance, in the late proceedings against the College of Jesuits.

2. Divers letters sent by Mr. Attorney⁵⁹ into the country, for stay of proceedings against Recusants.⁶⁰

3. The publishing and⁶¹ defending points of Popery in sermons and books without⁶² punishment at all: instance, Bishop⁶³ Mountagues three books, *viz.*, *The Gagg, Innovation of Saints*, and his *Appeale*; Mr. Cosins horary; Bishop of Gloucesters sermons.

4. The bold and unwarranted introducing, practising, and defending of sundry new ceremonies,⁶⁴ and laying of injunctions upon men by⁶⁵ governors of the Church and others without⁶⁶ authority, in conformity⁶⁷ to the Church of Rome; as for example, in some places erecting of altars, in others changing the usual and prescribed manner of placing the Communion-Table, and setting it at the upper end of the chancel north and south, in imitation of the high altar, by which name they also call it, and adorn it with candlesticks, which by the injunctions *Anno. 10th Eliz.* were to be taken away.⁶⁸ And also do make obeisance by bowing thereunto; commanding men to stand up at *Gloria Patri*; bringing men to question and trouble for not obeying that command, for which there is no⁷⁰ authority; enjoining that no woman be churched without a veil; setting up of pictures, lights, and images in churches; praying towards the east; crossing *ad omnem motum et gestum*.

5. The false and counterfeit conformity of Papists, whereby they do not only evade the law, but obtain places of trust and authority: instance,

⁵⁵ very apparent and too, added. X1.

⁵⁶ instanced in, added. Ψ1.

⁵⁷ operation. X9.

⁵⁸ that are enacted, added. X1.

⁵⁹ Sir Robert Heath, his Majesties Attorney. Ψ1.

⁶⁰ Papists. X1.

⁶¹ The open and common. X1.

⁶² any manner of, added. X1.

⁶³ Mr. X1,9.

⁶⁴ of new invented ceremonies amongst us. X1.

⁶⁵ some instead of by. X1.

⁶⁶ with. Ψ3.

⁶⁷ and near agreement, added. X1.

⁶⁸ 1^o. X1,9.

⁶⁹ and removed, added. X1.

⁷⁰ can be found no good. X1.

Mr. Browne of Oxford, and his treatise written to that purpose; the Bishop of Gloucester; and the now Bishop of Durham.

6. The suppressing and restraint of the orthodox doctrine contained in the Articles of Religion, confirmed in Parliament 13^o *Eliz.*, according to the sense which hath been received publicly, and taught as the doctrine of the Church of England in those points wherein the Arminians differ from us and other of the Reformed Churches. Which sense of our Articles in those controverted points is known and proved, *viz.*,

1st, By the Book of Common Prayer established in Parliament.

2dly, By the Book of Homilies, confirmed⁷¹ by the Acts of Religion.

3dly, By the Catechism concerning the points printed in the Bibles, and read in churches, and divers other impressions published by authority.

4thly, By Bishop Jewels Works, commanded to be kept in all churches, that every parish may have one of them.

5thly, The public determination of divines in⁷² Universities.

6thly, The determination of divinity professors published by authority.

7thly, The resolution of the Archbishop of Canterbury, and other reverend bishops and divines assembled at Lambeth for this very purpose, to declare their opinions concerning these points, *Anno* 1595, unto which the Archbishop of York⁷³ did likewise agree.

8thly, The Articles of Ireland, though framed by the Convocation there, yet allowed by the⁷⁴ State here.

9thly, The suffrage of the British divines sent by our late sovereign King James⁷⁵ to the Synod of Dort.

10thly, The uniform consent of our writers published by authority.

11thly, Lastly, the censures, recantations, punishments, and submissions made, enjoined, and inflicted upon those that taught contrary thereunto, as Barrow and Barrett in Cambridge, and Bridges in Oxford.

7. The publishing of books, and preaching of sermons, contrary to the former orthodox doctrine, and suppressing books written in defence thereof: instance, Bishop Mountagues *Gagg* and *Appeale to Caesar*, Mr. Jacksons book of *The Essence and Attributes of God*, Dr. Whites two sermons preached at Court, one upon the fifth of November, the other upon Christmas-day last; and for orthodox books suppressed: instance, in

⁷¹ and approved, added. X1.

⁷² both the, added. ♡1.

⁷³ and all his province, added. ♡1.

⁷⁴ clergy and, added. ♡1.

⁷⁵ in the [blank] year of his reign, added. ♡1.

all that have been written against Mr. Mountague and Cosin, yea even Bishop Carletons book.

8. That these persons who have published and maintained such Popish, Arminian, and superstitious opinions and practices,⁷⁶ and who are known to be unsound in Religion, are countenanced, favoured,⁷⁷ and preferred: instance, Mr. Mountague made Bishop of Chichester; the late Bishop of Carlisle, since his last Arminian sermon preached at Court advanced to the Bishopric of Norwich; a known Arminian made Bishop of Ely; the Bishop of Oxford, a long suspected Papist, advanced to the Bishopric of Durham; Mr. Cosin advanced to dignity and a great living; Dr. Wrenn made Dean of Windsor and one of the High Commission.

9. That some prelates, near the King,⁷⁸ having gotten the chief administration of ecclesiastical affairs under his Majesty, have discountenanced and hindered the preferment of those that are orthodox, and favoured such as are contrary: instance, the Bishops of Winchester and London in divers particulars.

The remedies⁷⁹ we conceive may be these, *vis.*,

1. Due execution of laws against Papists.

2. Exemplary punishment to be inflicted upon teachers, publishers, and maintainers of Popish opinions, and practising of superstitious ceremonies; and some stricter laws in that case to be provided.

3. The orthodox doctrine of our Church in these now⁸⁰ controverted points by the Arminian sect, may be established⁸¹ and freely taught, according as it hath been hitherto generally received, without any alteration or innovation, and severe punishment by the same laws to be provided⁸² against such as shall publish either by word or writing any thing contrary thereunto.

4. That the said books of Mountague and Cosin may be burned.

5. That such as⁸³ have been authors or abettors of those Popish and Arminian innovations in doctrine may be condignly punished.

6. That some good order may be taken for licensing of books hereafter.

7. That his Majesty would be graciously pleased to confer bishoprics and other ecclesiastical preferments, with advice of his Privy Council, upon learned, pious, and orthodox men.

⁷⁶ and have divulged and published the same, added. XI.

⁷⁷ cherished. XI.

⁷⁸ in some special extraordinary favour, added. XI.

⁷⁹ of which abuses, added. XI.

⁸⁰ new. XI.

⁸¹ confirmed, added. XI.

⁸² proceeded. XI.

⁸³ That all those persons that. XI.

8. That bishops and clergymen being well chosen, may reside upon their charge, and with all diligence and fidelity perform their several duties, and that accordingly they may be countenanced and preferred.

9. That some course may in this Parliament be considered of, for providing competent means to maintain a godly and able minister in every parish church of this Kingdom.

10. That his Majesty would be graciously pleased to make a special choice of such persons for the execution of his Ecclesiastical Commissions, as are approved for integrity of life and soundness of opinion.^{84a}

Hereupon⁸⁵ the House was adjourned until Wednesday following.⁸⁶

WEDNESDAY THE 25TH OF FEBRUARY

Upon Wednesday they met again and were¹ by a message delivered from his Majesty by Secretary Coke adjourned over until Monday morning next following.²

THE PROTESTATIONS OF THE COMMONS IN PARLIAMENT ON MONDAY 2 MARCH 1628

First, Whosoever shall bring in innovation in Religion, or by favour or countenance, seek to extend or introduce Popery or Arminianism or

^{84a} doctrine. ¶1.

⁸⁵ After these Articles were drawn up and agreed upon. ¶1.

⁸⁶ and the Committee to sit.

And in the mean time the Committee for Religion prepared certain Articles which they intended to have presented to his Majesty as the Protestations of the whole House as followeth. [Then follows the Protestations of March 2nd in all but X9 which here gives the Heads] added in XI-10; ¶II.

* The motion that led up to these Articles was made by Sir Robert Harley on January 29. On the same day Pym reported from the Committee of Religion a "Frame of a Declaration" which was the groundwork of the later Articles. On February 11, Sir Nathaniel Rich moved that a subcommittee be appointed to bring the "matters of fact or reasons concerning Religion" "into order for a report" (Grosvenor p. 194). The work of putting the material into form was probably unfinished on the 23rd. It seems likely that the Committee, alarmed about possible dissolution, met on the next day, for the Articles were finished on that day, and they would no doubt have been presented to the House on Wednesday (25th), had there been an opportunity.

These Articles are not mentioned in the Commons Journals nor in any of the private diaries and, for a very good reason; they never got beyond the sub-committee. The Articles sum up in an orderly manner all that was determined in the Grand Committee for Religion. Such a summary, drawn up for presentation to the King was the natural outgrowth of the work of the Grand Committee; without it the debates in Committee had been most futile. The Articles may be fairly compared to the Grand Remonstrance of the Long Parliament. That document too was a summing up of debates, a summing up, as it happens, by a Committee headed, as the Committee in 1629, by Pym. Both the Articles in 1629 and the Grand Remonstrance were written to justify the case of the Parliament to the people. Furthermore a careful reading of the two together will show that along the line of religion there was some similarity. It would be hazardous to go so far as to say that the Grand Remonstrance originated with these Articles in 1629, but the parallel between the two deserves mention.

FEBRUARY 25.

¹ When the House should have sat again the Parliament was. ¶II.

² And much speech of dissolving it, added. ¶II.

other opinions disagreeing¹ from the true and orthodox² Church, shall be reputed a capital enemy to this Kingdom³ and Commonwealth.

Secondly, Whosoever shall counsel or advise the taking and levying of the Subsidies of Tonnage and Poundage, not being granted by Parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to this Kingdom and Commonwealth.

Thirdly, If any merchant or person whatsoever shall voluntarily yield or pay⁴ the said subsidies of Tonnage and Poundage, not being granted by Parliament, he shall likewise be reputed a betrayer of the liberties of England and an enemy to the same.⁵

SIR JOHN ELIOT AND MR. SELDEN, MONDAY 2 MARCH¹

SIR JOHN ELIOT. God knows I now speak with all duty to the King. It is true the misfortunes we suffer are many, we know what discoveries have been made;² how Arminianism creeps in and undermines us, and how Popery comes in upon us; they mask not in strange disguises, but expose³ themselves to the view of the world. In search whereof we have fixed our eyes not simply on the actors (the Jesuits and priests), but on their masters, they that are in authority, hence it comes we suffer. The fear of them makes these interruptions. You have seen⁴ prelates that are their abettors. That great Bishop of Winchester, we know what he hath done to favour them; this fear extends to some others that contract a fear of being discovered, and they draw from hence this jealousy. This is the Lord Treasurer, in whose person all evil is contracted.⁵ I find him acting⁶ and building on those grounds laid by his Master,⁷ the late

PROTESTATIONS

¹ differing. X15; Φ; Sloane 1199.

contrary and disagreeing. X1.

² profession of our, added. X1,15.

³ our Church. X1.

⁴ to pay. X1.

pay or cause to be paid. X15.

⁵ Before we will change our Religion or lose our liberties we will sacrifice our lives, added. Sloane 1199.

Thereupon the House was dissolved by proclamation, added. X14,15; Ψ3,7; Γ1-4,7-10,12.

ELIOT-SELDEN.

¹ X15 gives this introduction: *This day it was apparent that the Parliament should be dissolved whereupon after a general pause and sign of sorrow Sir Jo[h]n Eliot breaks silence.*

² here in these Articles, added. Ψ1,12.

³ express. Sloane 2531, f. 122.

⁴ some. X4,15; Ψ1.

⁵ both for the innovation of Religion and invasion of our liberties, he being the great enemy of the Commonwealth. I have traced him in all his actions, and, added. Ψ1,12.

⁶ working. X10.

⁷ fatal Master. Sloane 2531; Stowe 156.

great Duke of Buckingham, and his spirit⁸ is moving for these interruptions. And from⁹ this fear they break Parliaments lest Parliaments should break them.¹⁰ I find him the head of all that great party the Papists, and all Jesuits and priests derive from him their shelter and protection.

In this great question of Tonnage and Poundage, the instruments¹¹ moved at his command and pleasure; he dismays our merchants, and invites strangers to come in to drive¹² our trade, and to serve their own ends.

The Remonstrance¹³ was put to the question, but the Speaker refused to do it; and said he was otherwise commanded from the King.

Whereupon MR. SELDEN spake as followeth:

You, Mr. Speaker, say you dare not put the question which we command you; if you will not put it we must sit still, and thus we shall never be able to do any thing; they that come after you may say they have the Kings command not to do it. We sit here by commandment of the King, under the great Seal of England; and for you, you are by his Majesty (sitting in his royal chair before both Houses) appointed our Speaker, and yet now¹⁴ you refuse to do us the office and service of a Speaker.¹⁵

THE AGITATION OF THE [LOWER] HOUSE OF PARLIAMENT ON THE LAST DAY OF THEIR SITTING BEING THE 2 OF MARCH 1628

This day, being the last day of the Assembly, as soon as prayers were ended the Speaker went into¹ the Chair, and delivered the Kings command for the adjournment of the House until Tuesday sevensnight following.²

The House returned him answer, that it was not the office of the Speaker to deliver any such command unto them, but for the adjournment of the House it did properly belong unto themselves; and after they

⁸ *secret.* Ψ.

⁹ *for.* X15; Ψ3; Γ1; Add. MSS 33468.

¹⁰ *from this fear that they that break Parliaments will break him.* Ψ8-10.

¹¹ *thereof were,* added. Ψ.

¹² *out,* added. Ψ1,8-10; Sloane 2531; Stowe 156.

¹³ *This.* X15.

¹⁴ *under pretence of a message delivered unto you in private,* added. X2,4,5,9.

¹⁵ X15 adds: *Upon this the House began to side and a great part were willing to be gone, but the body thereof, desirous to publish and declare themselves touching religion and the property of the subject, drew up a short protestation; and whilst it was doing they commanded the doors to be shut and safely kept, which charge Sir Miles Hobart performed for he locked the door and put the keys in his pocket. [Then follow the Protestations.]*

THE AGITATION.

¹ *being set in.* Ψ1.

² *being the tenth of March,* added. X.

had settled some things they thought fit and convenient to be spoken of they would satisfy the King.

THE SPEAKER told them that he had an express command from the King as soon as he had³ delivered his message to rise; and upon that he left the Chair, but was by force drawn to it again by Mr. Denzil Holles, son to the Earl of Clare, Mr. Valentine, and others. And Mr. Holles,⁴ notwithstanding the endeavour of Sir Thomas Edmondes, Sir Humphrey May,⁵ and other Privy Councillors to free the Speaker from the Chair, swore, Gods wounds, he should sit still until they pleased to rise.

Here SIR JOHN ELIOT began in a rhetorical oration to inveigh against the Lord Treasurer and the Bishop of Winchester, saying he could⁶ prove the Lord Treasurer to be a great instrument in the innovation of Religion, and innovation of the liberties of the House; and offered a Remonstrance to the House wherein he said, he could prove him to be the great enemy of the Commonwealth, saying that he had traced him in all his actions, and withal that if ever it were his fortune to meet again in this honourable assembly, he protested (as he was a gentleman) that where he now left, he would there begin again.

The Remonstrance, being refused by the Speaker and the Clerk, was restored to his hands and by him read.⁷

The House then required the Speaker to put the business in hand to the question which he again denying and urging the Kings command was checked by MR. SELDEN who told him⁸ he had ever loved his person well, but he could not choose but much blame him now that he being the servant of the House should refuse their command under any colour⁹ whatsoever; and that this his obstinacy would grow a precedent to posterity if it should go unpunished. For that hereafter if we shall meet with a dishonest Speaker (as we cannot promise¹⁰ ourselves to the contrary) he might under pretense of the Kings command refuse to

³ discharged and, added. Ψ5; Tanner 72.

⁴ Valentine. X3.

⁵ Sir Humphrey May, only in X1-8.

⁶ would. Γ11; Tanner 72.

⁷ In X9,10; this paragraph has evidently been combined with the similar paragraph in the Eliot-Selden separate; but there are also additions.

Then he offered the Remonstrance (before spoken of) to the House to be read. Which being put to the question, the Speaker refused to do it, saying he was otherwise commanded by the King. And being yet again pressed, he still denied to put it to the question or to read it. Which the Clerk also refused to do. Whereupon the Remonstrance was again redelivered to his hands and by him read. X9,10.

And thereupon offered a Remonstrance, which being refused to be read both by the Speaker and Clerk was restored to him again, and by him read in these words following. Ψ1,12.

⁸ And being the third time urged to it and refusing, still insisting upon the Kings command, he was checked by Mr. Selden who told him. X9,10.

This was again offered to be put to question, but the Speaker said he was otherwise commanded by the King. Mr. Selden replied that. Ψ1,12.

⁹ pretense or colour. X9,10.

¹⁰ or assure, added. X9,10.

propose the business and intendment of the House; and therefore wished him to proceed.

THE SPEAKER with abundance of tears answered, I will not say, I will not, but I dare not; desiring that they would not command his ruin therein; that he had been their faithful servant, and would gladly sacrifice his life for the good of his country; but he durst not sin against the express command of his Sovereign.¹¹

Yet notwithstanding the Speakers extremity of weeping and supplicatory oration quaintly eloquent,¹² SIR PETER HEYMAN (a gentleman of his own country) bitterly inveighed against him, and told him he was sorry he was a Kentish man, and that he was a disgrace to his country, and a blot to¹³ a noble family, and that all the inconveniences that should follow, yea, their destruction,¹⁴ should be derived to posterity as the issue of his baseness, by whom he should be remembered with scorn and disdain. And that he for his part (since he would¹⁵ not be persuaded to do his duty) thought it fit he should be called to the Bar, and a new Speaker chosen in the meantime, since neither advice nor threats would prevail.

Then they required Mr. Holles to read certain Articles¹⁶ as the Protestations of the House, which were jointly, as they were read, allowed with a loud *Yea* by the House.¹⁷ The effect of which Articles are as followeth, viz. [*The Protestations follow. See above p. 101-2.*]

These being read and allowed of, the House rose up after they had sitten down two hours.

The¹⁸ King hearing that the House continued to sit (notwithstanding his command for the adjourning thereof) sent a messenger for the serjeant with the mace, which being taken from the table there can be no further proceeding; but the serjeant was by the House stayed, and the key of the door taken from him, and given to a gentleman of the House to keep.¹⁹

¹¹ *The Speaker made an humble supplicatory speech unto the House with extremity of weeping, showing what command he had received from his Majesty, and withal desiring them not to command his ruin. X1.*

Thereupon the Speaker made a supplicatory oration quaintly eloquent wherein he sought the House not to command his ruin. X6.

¹² *Which he still refusing with extremity of weeping and supplicatory orations quaintly eloquent. Ψ1,12.*

¹³ *of. Ψ6,8,10; Tanner 72.*

¹⁴ *distraction. X.*

¹⁵ *could. Ψ6,8,10.*

¹⁶ *or heads, added. Tanner 72.*

¹⁷ *In this place: Mr. Stroude spake much to the same effect, and told the Speaker that he was the instrument to cut off the liberty of the subject by the root, and that if he would not be persuaded to put the same to question, they must all return as scattered sheep, and a scorn put upon them as it was last Session. X1; that in text being given at the end of Feb. 23rd.*

¹⁸ *And in the meantime the. Ψ1,12.*

¹⁹ *but the key of the door was taken from the serjeant and delivered to Sir Miles Hubert to keep, who, after he had received the same, put the serjeant out of the House, leaving his mace behind him, and then locked the door. X1.*

but the key of the door was taken from the serjeant and delivered to a gentleman of the House to keep, and the serjeant himself, being a very old man was, at his request, suffered to go only and stood without the door, but left his mace behind him. X2-15.

After this the King sent Maxwell (the screech-owl)²⁰ with the black rod for the dissolution of Parliament, but being informed that neither he nor his message would be received by the House, the King grew into much rage and passion, and sent for the Captain of the Pensioners and Guard to force the door, but the rising of the House prevented the bloodshed that might have been spilt.²¹

Notwithstanding the Parliament was but as yet adjourned until that day sevensnight, being the tenth of March, yet were the principal gentlemen attached²² by pursuivants, some the next morning; and on Wednesday by order from the Council-board sent to sundry prisons.²³

²⁰ usher. X.

²¹ the blood-shed or other mischief that thereon might have ensued. X9,10.

the danger and ill consequence that might have followed. XI.

the inconveniences and mischiefs that therein might have ensued. X3,4,7; ♡1; ¶11.

²² arrested. ♡10.

INDEPENDENT ACCOUNTS OF MARCH 2ND AND 3RD.

²⁴ At which time the House met, and as soon as they were set the Speaker delivered unto them a message from his Majesty to adjourn the House until Tuesday sevensnight after. Whereupon the Speaker would have rose presently. But the House locked the doors, continued till 12 of the clock, and (as some say) this protestation or proposition was agreed on by some in the House. [Then the Protestations follow.]

Wednesday the third of March there came forth his Majesties proclamation for the dissolving of the Parliament, being proclaimed in the morning and in the afternoon. Nine of the members of the lower House were sent for before his Majesty and the Lords of the Privy Council at Whitehall, and were committed that evening, some to the Tower and some to other prisons. X14.

And on Monday it was plainly apparent that it was so intended, yet at that time but adjourned again till the 10th of Murch.

The House of Commons, perceiving his Majesties resolution to dissolve it, began to rise, but in the end Sir John Eliot and Mr. Selden expressed themselves. The House commanded the doors to be shut and kept until they should have drawn up and agreed upon a protestation which was pronounced by Mr. Holles. [Then the Protestations follow.] The next morning divers gentlemen of the House were apprehended, and being brought before the Lords at the Council-table were thence committed to divers prisons. X11.

W
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KEY TO NICHOLAS'S WORD SIGNS

<i>ʌ</i> = they	<i>ʒ</i> = our
<i>ʒ</i> = God	<i>h</i> = he
<i>ʌ</i> = all	<i>ʒ</i> = will
<i>ʌʒ</i> = unto	<i>ʌ</i> = now
<i>ʒ</i> = be	<i>ʒ</i> = with
<i>ʌ</i> = that	<i>ʌ</i> = within
<i>/</i> = the	<i>ʒʌ</i> = without
<i> </i> = to	<i>ʌ</i> = than
<i>—</i> = in	<i>ʌ</i> = now
<i>e</i> = and	<i>ʌʒ</i> = which
<i>ʒ</i> = for	<i>ʌʒ</i> = when
<i>ʌ</i> = by	<i>ʒ</i> = said
<i>ʒ</i> = his	<i>ʌʒ</i> = delivered
<i>ʒ</i> = this	<i>ʌʒ</i> = you
<i>ʒ</i> = we	<i>ʌʒ</i> = paid
<i>ʒ</i> = no, not	<i>ʌ</i> = king's
<i>ʒ</i> = of	<i>ʌʒ</i> = majesty's
<i>ʒ</i> = if	<i>ʌʒ</i> = against
<i>ʌ</i> = there	<i>ʌʒ</i> = right
<i>ʌ</i> = had	<i>/</i> = period
<i>ʌ</i> = hath	

THE NOTES OF SIR EDWARD NICHOLAS FOR THE
SESSION OF THE COMMONS IN 1629

[About the text of the Nicholas Notes only a few words need be said. So far as these notes are in longhand, they have been transcribed exactly. The spelling, punctuation, and even the capitalization, so far as we could be certain of the capitalization of the original, have been retained. Where, however, only part of a word was written out, the rest has been put in modern spelling. All word-signs and contractions or abbreviations have been put in modern spelling.]

26° JAN. 1628

MR. WALLER. That there is a licence procured to carry fishe corne and other provisions for Spain: for which the Spanish gave 60000 Sterling^a in Spain: and that there may be stay made of the shippes that are laden with the same.^b There have bene likewise 500 peeces of Ordinance sent out of the kingdome since the last Sessions and there is a shipp now laden [blurred] with ordinance. Moved that a Committee be appointed to examyne this busines and stay may be made of the shippes.

SIR DUD[LEY] DIGGS. That in Kent the price of Corne is under the rate that by the Statute it may be exported: if some course be not taken to take it of[f] from the farmers hands they will not be able to pay their rents: Moveth that a Committee may take this into consideration for he conceaveth the reason that corne is not taken of[f] from the husbandmans hand is twill make the farmers breake: that therfore there may be some course be taken to give leave to men to expresse corne when it is att¹ the rates that it may be exported.^c

MR. R[ICHARD] SPENCER. That there is a provision in the statute that when corne may be transported it is lawfull to expresse.

Adrain Pace,^d two brothers the Odwicks,^e Jo[h]n de la Bar,^f Pet[er] Rickard^g are the parties that have licences to send over provisions to Kullery[?].^h

JANUARY 26.

¹ under crossed out and *all* written above.

^a See Mason's report on the 29th (p. 115).

^b Lowther (62) makes Waller give the reasons for the stay: "considering how advantageous it may be to our enemies and prejudicial to ourselves [*i.e.* that corn should be shipped], which being now raised from 20s to 30s, and the ports from which corn comes in time of dearth as Dantzic etc. are shut up."

^c In 21 *Jac.* it had been made unlawful to transport grain out of the kingdom until its market price reached certain specified rates. *Stat. of the Realm*, vol. 4, pt. 2, p. 1237.

^d Adrian Paes or Pace (C.J. 1:922) is mentioned in *Cal. St. P. Dom. 1627-28*, p. 222 as a Spanish merchant. For the fullest account of his activity see Alvise Contarini, Venetian Ambassador in England, to the Doge and Senate, Feb. 9, 1629 (n.d.) (*Cal. St. P. Ven. 1628-29*, p. 531) where he is called a Malago merchant. The editor of Lowther misread Adrian as "Alderman."

^e Oxwicker. C.J. 1:922.

^f See *Cal. St. P. Dom. 1628-29*, pp. 185, 301.

^g Peter Rickard. C.J. 1:922.

^h Cellera.

The Committee is to consider of this business and all incidents thereof too morrow afternoon in Exchequer Chamber with power to send for parties.¹

The Concell to move the King presently for stay of these shippes licenced to goe not stay.¹

MR. SEC[RETARY] COKE delivers in the Bill of tonnage and poundage; recommends it to us in his Majesties name and desires that his Majestie and the World may see our affection by the speedy passage of it.²

SIR JO[HN] ELLIOTT. Noe man [the] King knowes makes doubt of his Majesties piety and goodnes: and our loyalty is the same to his Majestie and noe weight moves more naturally to its center: he doth not thinke the passing of the Bill of Subsidie can give his Majestie meanes to stopp the course of the house of Austria or to preserve the Sound. This Bill had passed the last Sessions if his Majestie had pleased to give tyme for it: he thinketh it should be counted an Ordinary meanes, but was wont to be counted an extraordinary meanes and was only for guard of the Narrow Seas. This Bill doth give power to lay impositions att pleasure: he would have us make a representacion to his Majestie of our right in this business and our sense before wee passe the Bill.¹

SIR ROB[ERT] HARTLEY, would have this Bill read because the King hath sent for it.

MR. SELDEN. That this Bill is a Subsidy Bill and it is against our liberties to have a Bill of Subsidy to come into this house by the Kings recomendacion, and therefore though he shall with all respect reverence whatsoever comes from his Majestie he would not have this Bill now read, for it hath bene against the course of parliament to beginne with a Bill of Subsidy.^m

SIR D[UDLEY] DIGS. That he doth not know why a Bill of Subsidy may not move from his Majestie; but because this Bill will aske tyme

¹ The parties named above were to attend the committee. C.J. 1:922.

² Cf. C.J. 1:922.

³ "Secretary Coke: This business hath been well settled. We know his Majesty hath come a great pace unto us, it is necessary that we go with some paces unto him, to which end I present this bill, which I desire we may give a reading unto it which may give a good satisfaction to other Kingdoms how willing we are to supply and defend him and the kingdom. We know how potent the kings of Spain and France are, there is one danger more added, which is the loss of every sound; nay, the House of Austria hath made themselves masters of all the principal ports of the Baltic sea, and there is now a fleet of 50 ships provided with men and ordnance, for what service it is to be feared. Our gracious King is preparing a fleet, which if this be forward it will much advance the service of the King and the Kingdom." Lowther 62.

⁴ "Sir John Elliot: I do not stand up to retard this business but rather to forward it, which will not be by a present reading but rather by a preparation of other things to give this a freer passage to it, which might otherwise receive some stand. And whereas it is said that this is one of the ordinary means for enabling the King, it is not so, for Fortescue the learned justice says that it was one of the extraordinary means." Lowther 62.

⁵ "Mr. Selden: I think it is against the fundamental liberty of the House to have it read, for since it is truly a bill of subsidy, whether it be fit to be so offered to be read before it hath received any debate in the House, which is not usual to prefer any such bill before debate." Lowther 62.

att a Committee, moveth that a Committee may be appointed to consider this afternoone of a fitt Bill of Tonage and Poundage to be offered to this house.^a

SIR RO[BERT] PHILIPPS would not give way to the reading of this Bill till the house were satisfied for the breach of the liberties of this house: for what is referred to a Committee to examine concerning the abuses and carriage² of Carmarthen³ to the prejudice of the liberties of this house. And that being done then to proceede with the Bill.

PELHAM, would have us first establishe our right in this, before we give it by reading or passing this Bill.

This busines is left without question with an inclynacion that we shall speedily fall into consideration of the heads and points of a Bill of Tonage and poundage.⁴

MR. ROUSE. That it may [be] considered how the Sea of Rome doth breake in upon our Bankes and what new payntinges have bene put upon that whore to make her more lovely. An Arminian will take a papist by the hand, he a Jesuit, he the pope and King of Spain. When Job would not curse God he had his goods againe. We have bene more prosperous when we have stooke to our God. Would have us make a vow to keepe our God and he will prosper us and let every one say Amen.⁵

SIR FR[ANCIS] SEYMOUR. The number of papists still increase, about this Towne: and they goe boldly to and from the Masse. His Majesties name is abused to stay proceedings against papists contrary to his Majesties promises, and the Kings proclamacion and after commands given to the Judges who are tyed by oath to execute the lawes. Upon a little examinacion it will be easily found out who is the cause of all this.⁶

SIR ROB[ERT] PHILLIPS. That the present state of religion may be considered of by the Committee. On point of humiliation, that we might

^a and berring, crossed out.

² "Sir Dudley Digges: It is impossible that this bill should in all things square with the bill of subsidy, for that we see the wisdom of our ancestors to grant it in former [times] for life; and for that principal objection, that it is against the fundamental liberty. I have known that such bills, nay the bill of subsidy, hath been brought in by the King's council." Lowther 62.

³ Carmarthen was one of the customers.

⁴ Such an inclination cannot be discovered from the other accounts. See Nethersole (p. 246).

⁵ For the fullest report of this speech, probably from Rouse's own manuscript, see True Relation (p. 12).

⁶ "Sir Francis Seymour: I know that what is done in the country is undone in the city touching religion, and the King's name used in it, which is a great scandal to the King's profession and his answer to our petition of religion. And if you will know who is the man that doth this you may; if you do but consider this point you will easily know, nay I think every man that sitteth here doth know it. Herein I have cleared my conscience." Lowther 63. But see also True Relation (p. 14), for though no one account gives this speech in full a fairly complete statement of it can be made by comparing the three versions.

In the True Relation, Seymour's speech is followed with one by Kirton. Lowther gives an abbreviated version of the same speech which he assigns to Coryton.

have a fast soe to divert Gods wrath, to bring God into our Counsellers before our Armies.^a

SECRE[TARY] COKE. He is confident wee shall find his Majestie very much inclined to settle and quiett the differences in Religion and to establishe it in the same state it was when he came to the crowne. Would have us not to meddle with other points of Religion then what concernes matter of facte, for the rest it belongs to another place.^c

MR. SHERLAND. That some who are enemyes to our Religion doe call us puritans and putting the King on businesses contrary to the fundamentall liberties of the subject such as they know a parliament will not yeeld unto, then they insinuate to the King that those that oppose the Arminians oppose his Majesties businesses and soe involve their owne furious disposicions and endes with the Kings right businesses.^d

Resolved that all the particulars concerning the groweth of popery or Arminianisme and other incidents concerning the same shalbe this afternoone taken into consideracion by the Comittee of Religion, and the Comittee to have power to send for parties.

Resolved that this house shall by pet[ition] desire a fast, and a Comittee appointed for this purpose to draw this petition to meete this afternoone in courts of wardes.

27^o JAN. 1628

Ordered that Rob[er]te Lewis, Spanishe merchant of London, shalbe sent for, to answere his contempt to the parliament in cursing the parliament saying a plague take the parliament he cared not for it.^e

There was a Bill this day presented to the house by Mr. Jordan intituled an Act for printing the Marginall Notes in the Bible: which the house did wishe might be laid a side till another tyme, implying that it was not fitt to have it read att all.

Resolved that a conference shalbe desired with the Lordes that att that conference the pet[ition] now drawne to his Majestie for a g[ene]rall fast shalbe then presented to the Lordes.^b

^a For the fullest report of this speech see True Relation (p. 16).

^b "Secretary Coke: I have been bold to give sometimes cautions that we should not do anything in religion except that which concerns matter in fact, for other things we know belongs to another place, and not proper for us to be disputed." Lowther 63.

^c "Shirland: Though the greatest part of the kingdom be sound, but there be divers particular persons who have the ears of majesty to subvert the settled government; for they put the King on things not lawful, and they weaken him by opposition and make their quarrel the king's, and so set difference betwixt the King and the people, and so to work their own ends." Lowther 63. For the fullest account see True Relation (p. 15-16).

JANUARY 27.

^d For additional information see C.J. 1:922; True Relation (p. 16-17).

^e This petition was presented to the House by Sir Nathaniel Rich. True Relation (p. 17) gives it in full.

MR. PYM. That att the comitte for Religion it was desired to see the Remonstrance given the last parliament to the King: that it might be seene what was sett downe therein for that point concerning Religion, and the Clerck said that by the Kings comand he carried it to the Courts and his Majestie gave it to the now Lo[rd] Pr[ivy] Seale, whereon the Comittee thought it not fitt to proceede any further till the house were acquainted therewith.*

MR. SEC[RETARY] COKE. That the King hath now sent the Remonstrance, and assures himself that wee will proceede on those grounds; his Majestie alsoe expects we should give precedency to the Bill of Tonnage etc. before any other busines to take away the differences betweene some subjects of his Majestie least the joye his Majestie perceived in the faces of all men att his last speech should have all thic[k]t over.^d

MR. WALLER had rather follow the direcions of a poore traveller in an unknowne way then of a expert Geographer and of a poor preching Minister that walketh in the way of God then of a Bishopp that never set foote in the way of God.*

MR. PYM. Our Religion hath bene established from tyme to tyme with much care by the Kings of this Realme. To have the proclamacion cleared which seemes doubtfull whether it may be lawfull to preach against Arminianisme which contradicts our Religion soe well established. To inquire what men who have publicquely held and professed Arminianisme have bene preferred, by whose meanes. Whether and by whome those points have bene preched before the King since it was declared it should not be preched. What bookes in favor of Arminianisme have bene licensed and other good bookes against it suppressed and by whome. The Convocation house is but a provincially Synode: the Highe Comission Courte is derived from parliament and noe derivative can prejudice or exclude a primitive. What pardons have bene granted to men that have held and written for Arminianisme, by the name of preaching or holding false doctrine.^f

Heads principally to be considered of by the Comittee of Religion presently,

1. popery: the cessacion of execucion of lawes against papists and all incidents thereto.

* Nethersole (p. 246-47) gives an account of what happened in the Committee of Religion on the afternoon of January 26. The others give only Pym's report of that meeting; but all agree on the facts. The Remonstrance was called for, the clerk answered that it had been delivered to the Lord Privy Seal, and in consequence the committee proceeded no further.

^d Cf. Nethersole's Letters (p. 247).

* "I had rather ask the way to any strange place of a plain country carrier who travels that way daily than of any cunning geographer who only discourseth of it, and setteth not a foot that way. And I would have these foxes, these little foxes who cunningly seek to divert the King, and are so dangerous: therefore let us look them out." Lowther 64. True Relation does not give this speech by Waller, but in this place one by Coryton.

^f True Relation gives Pym's speech at greater length.

2. Contenancing of papists and popishe parties: and all incident thereto.
3. bringing in of popishe ceremonies: which are insisted in B[isho]prick of Duresme.

Arminianisme.

1. That the way may be opened for a free passage of the truth of our Religion soe long professed here.
2. The stopps and discouragements of those of our Religion, as pardons, preferments of those that professe Arminianisme and all incident, licencing of Bookes, and preching of those points before the King.
3. The way and proceedings of former parliaments in punishing of such faults and offences: when to consider that the Convocation house is a provinciale Synode, the highe Comission Court is but a derivative of parliament.^a

Libertie given to the Committee to take into consideracion those heads and all things else concerning Religion.

Resolved that the Committee of Religion shall have precedency before all other Committees.^b

The Committee appointed to consider and examyne whether the pet[ition] of right were enrolled in the Courts of Justice are to meete this afternoone.

The Committee for Religion shall meete too morrow morning att 8 a clock.

28 JANUAR. 1628

Pet[ition] of Mr. Chambers^a complayning of his imprisonment by the Lords of the Councell: that his goods were taken by the officers of the Customes and are kept from him albeit he offereth security to pay whatsoever shalbe lawfully due to his Majestie out of the same and prayeth the restitution of his goods.

SIR JO[HN] ELLIOTT, He findeth the Judges, the Councell, Sheriffs Customers, the Attor[ney], and all conspire to trample on the spoiles of the libertie of the sub[jects]. Would have the parties whose goods are thus kept from him to take a legall course for release of his goodes that we may see what Ministers will refuse to doe their duty therein.

MR. SEC[RETARY] COKE, Desire that such words that all the officers of state doe trample on the libertie of the Sub[ject] may be forborne.^b

MR. SEC[RETARY] COKE, Message from the King. That the King did recomend unto this house by his gracious declaracion concerning Tonnage

^a Cf. C.J. 1:922-23.

^b C.J. (1:922) places this resolution before Pym's report; Nethersole (p. 247) puts it even earlier, before Secretary Coke's message from the King.

JANUARY 28.

^a For further information about Chambers see *Cal. St. P. Dom. 1628-1629*, pp. 362, 529, 539.

^b These proceedings are given nowhere else. In this connection see the information against Eliot at his trial. *State Trials*, 3:321.

and poundage the speedy passage of that Bill: and doth expect we should give precedency to that Bill of Tonnage and poundage. As for the busines of Religion soe as we handle it with moderacion and medle not with what belonges to his Majestie, and shalbe reddy to receive any notice therein from us of anything whereof consideracion hath not bene alreddy taken.*

MR. TR[EASURE]R is sorry this house has given his Majestie occasion soe often to reiterate his desires for passing the Bill of Tonnage especially since his Majestie has dealt so graciously with us. Desireth us to take heede that by our neglect of reading of that Bill we doe not give his Majestie cause to repent of the good he hath [done] for us in his fathers tyme^d and since by himself in granting the pet[ition] of Right.

SIR JO[HN] ELLIOTT, Would have the King acquainted that such Messages as we received from his Majestie have hindered his owne businesses.*

MR. FR[ANCIS] SEYMOUR, Would have a Comittee appointed to consider of an answer to his Majestie that we may not seeme to neglect wholly his Majesties Messages.

SIR NAT[HANIEL] RITCH, That the heads of such answeres as we shall give to his Majestie [*here there is a blank space of about three lines*].⁴

28 JAN. 1628

MR. KIRTON, Would have it set downe in this answer to his Majestie that albeit he did say he declared not to take or clayme tonnage and poundage as his right, yet his Ministers have soe taken it, and till that bee settled we cannot proceede to reade.

Heads for our answer to the Kings Message.

Expression of our dutifull affecion and resolucion to satisfye his Majestie and that the best way is to begin with the matter of Religion.

* Nethersole (p. 247) calls attention to the fact that because of this message the Committee for Religion did not meet as had been intended. See also C.J. 1:924.

^d In the session of 1628 (April 2) Sir Edward Coke in discussing supplies said of Charles: "Hee was an excellent instrument for us in Parliament in his father's time and obtayned for us a limitation of *Null um tempus occurrit regi*, and many other good laws" (Borlase MS Stowe, 366, f. 38, verso). Other accounts give the same speech but worded a little differently. "Thus King James, his father's tyme [he] was an excellent meanes to procure all theis excellent lawes we had whereby to prevent all those wormes the locust and the caterpillar, the informer, the monopolizer and concealer" (Mass. MS, f. 61). "That we have given this greatest King, who was a means to his father to procure us many good lawes—the informers, concealers, dispensing with penal statutes and monopolies taken away" (Harl. 2313, f. 25). King James testified to the activity of his son on behalf of parliament in a speech before the Lords on March 26, 1621: "I have just cause to fear the whole body of this House hath bribed him to be a good instrument for you upon all occasions; he doth so good offices in all his reports to me both for the House in general, and every one of you in particular" (L.J. 3:69). See also *Commons Debates in 1625* (Cam. Soc., 1873) 3, 9-10 and Eliot's *Negotium Posterorum I*: 48, 66-67.

* "This often iteration of messages doth hinder us more than anything." Lowther, 65.

⁴ See True Relation (p. 22-23) for speeches in this debate by Long, Edmundes, and Coryton; for the order concerning the answer to the King's message. See also Nethersole for a more general summary.

That wee may give his Majestie thanks for Religion and alsoe a Remonstrance for that we conceive there are now greate plots to undermine our religion.¹

That the matter of Tonnage etc. if we had not bene moved in it we should have taken occasion to have brought in and read a Bill for that busines.

4. That in the matter of Religion we intend not in the Novell points of Religion to dispute of them, but will take a course to suppress Novell opinions as former parliaments have done; but this to bee left without direcion to the consideracion of the Committee.
5. That it may alsoe be considered of whether it may not be fitt to intimate to his Majestie that we conceive those who put his Majestie to presse for reading of the Bill of Tonnage have noe care of Religion or his Majesties service.
6. That all our disputes shall tend to the honor and safety of his Majestie.²

The Comittee for this purpose to meete presently in the Treas[ury] Chamber in Exchequer.

An Act for explanacion of a Branch of a Statute made in 3^o Jac. intituled an Act for the better discovering and repressing of popishe Recusents. 2^o *Lectio*.

SIR MILES FLEETWOOD, moveth that Mr. Richardson may bring in such leases as were moved by him to the Comittee to be considered, for there are some whose estates are 1500£ *per annum* have compounded for 30£ or 40£ *per annum*, that thereby we may shew the King how much his Grace and Mercy is abused and how farre extended.

SIR THO[MAS] HOBBY would have all leases brought in or a note of them that have bene made contrary to the lawe: for that they are all voyde.

SIR THO[MAS] HOBBY to take care of this Bill.

Ordered that Jo[h]n Cornewell^h who served Sir Giles Bridges Baronet a member of this house with processe att the suyte of the Lord Wimbledon shalbe sent for, for that he served it since the house sate.

¹ That we were by an order to go on first with the business of Religion is crossed out.

² A comparison of the heads in Nicholas with those in the Commons Journal (p. 923) brings out some important differences. Nicholas omits the first heading as given in the Journal and in its place inserts a statement designed to mollify the King. Nicholas's second head agrees with that in the Journal save that a "remonstrance" is added. His third head is much more aggressive. The fourth in the Journal includes both the fourth and sixth in Nicholas. Nicholas's vigorous statement under his fifth is omitted entirely from the Journal. The final draft of the Apology (True Relation p. 29-30) contains points not in the Commons Journal heads, showing either that the select committee acted upon its own responsibility or (what is much more probable) that the Journal gives a very incomplete statement of the conclusions arrived at after a very heated debate in the House. Not only does the Apology contain Nicholas's fifth head but the positive assertion found in none of the heads that religion should have precedence over tonnage and poundage.

^h Canill, C.J. 1:923.

Petition of Jo[hn] Michell esq. against the Bishopp of Lincolne: The petition[er] was called in and att the barr rebuked for his uncivill and unfitt language in it as saying that act of mallice etc.¹

Pet[ition] of the Levant Company for release of their goods staid by the officers of the Custome house, referred to the Comittee for that purpose.

29^o JANUAR. 1628

An Act for better allowance for mayntenance of preaching Ministers and for more ordinary Catechising. 1^a *Lectio*.

Ordered that concerning depositions in the cause of Sir Henry Baggett, a member of this house, and Sir Ed[ward] Littleton by Com[ission] out of the Chancery who by reason of his attendance in this house could not nor was att the examination of the said Com[ission] albeit it were a joint Com[ission]. Mr. Speaker shall wryte to that Court for suppressing of the said Depositions.

Ordered that Sir Jo[hn] Hippisley being petitioned against in the upper house shall not uppon payne of expulsion out of this house answere to the said petition.^a

SIR FR[ANCIS] SEYMOUR moveth that those who complained in the upper house against Sir Jo[hn] Hippisley should be sent for and punished for so doing.

Mr. Speaker is to call on Sir Jo[hn] Hippisley when he comes to name the parties that petitioned against him.

MR. MASON reporteth from the Comittee that one Adrian Pace hath lived in Malliga about 10 yeares; he hath a licence from Spaine to buy prohibited goods to be sent thither, he gave in Spain 60000 ducates^b for the said licence: Roberte Oxwick had a licence from his Majestie hath power to transport into any porte diverse manufactures, and by a second licence he had power to carry pipe staves, lead, corne: this second licence was procured by the E[arl] of Holland, and delivered by Sir Fr[ancis] Cottington who tould him althoughe he had power to transport such prohibited goods yet he should not doe it. The 3 shipps are att Dartmouth, and of the severall burthens of 300 tons 240 and 180 tons that the said Oxwick hath shipt pipe staves and the said 3 shipps are bound for Spaine.

¹ Michell was likewise rebuked because his petition was too general, containing no particular charges. C.J. 1:923.

JANUARY 29.

^a Cf. C.J. 1:924.

^b "60,000 Ducats; 15,000£ Sterling" (C.J. 1:924); "100,000 ducats" (Lowther 65).

The Committee hath not gonne throughe [*blurred*] with examinacion of this busines but referres it to the consideracion of this house whether it be not fitt to stay the said 3 shippes.*

Ordered that Archibald Nicholls a Scotsman who complayneth against Sir Jo[hⁿ] Hippisley in the upper house shalbe sent to answeare his offence in complayning there against a Member of this house too morrow morning.

Committee of Religion this 29. Jan. 1628. in the morning^d Mr. Pym in the Chayre.

SIR BEN[JAMIN] RIDER.* His Majestie hath alreddy publicquely declared to keepe the unity of love in the bond of peace; popery is antient amongst us and in that we complayne only of the want of execucion of lawes against Recusants.

Arminianisme lately crept in and crept upp into highe places. Moveth that we should consider of the Articles of our faith long since agreed, 1552, and published againe lately; the antient catechisme appointed and published in our booke of comon prayer, and to consider alsoe of those alsoe att Lambeth: from all which he would have us to take our proceedings, to expresse what those were, and to advance against all that shall vary from those, without disputing for or against particulars nor upstart opinions.

SIR ROB[ERT] HARLEY. That the bookes written by Dr. Montague Bishopp of Chichester, Dr. Jackson, Dr. Cosins, Dr. Duncombe have bene great causers of the increase of Arminianisme. Remedies, would have us 1, make in this house a publique declaracion of our Religion here. 2ly to desire the lords to joyne with us in a Remonstrance to the King that he would be pleased to cause these persons forenamed to be punished, and their bookes to be publicquely burnt.[†]

SIR JO[H^N] ELLIOTT. Hath a feare of the declaracion lately made in his Majesties name, yet without any jelousy of his Majestie, as in Plutarch Antiochus wrote that whatsoever letters were written by him or in his

* "Sir Francis Cottington shows how that it is true that such a license was also granted by the King of England for carrying out of manufactures, which hath been and will be to his advantage 100,000*l.*, which how much it will advance the King in these times of necessity I leave it to this House to consider." Lowther 65-66. See also C.J. 1:924; True Relation (p. 23).

^d True Relation (p. 23) says the Committee for Religion sat in the afternoon.

* *i.e.* evidently Sir Benjamin Rudyard. Lowther 66.

[†] Lowther gives a long speech for Harley—whom he miscalls Harlow. "I shall be glad to divide the matter into:—

"1. What our religion is: the Articles made in 1562 in Queen Elizabeth's time, the Articles made at Lambeth, the Articles in Ireland; King James also by his wisdom and pen in the synod of Dort being solely guided by our example.

"2. The danger of our religion is the bringing in of popery and Arminianism; first, by a book written by Mr. Richard Montague, then by one of Doctor Jackson, another by Doctor Cosens, chaplain to the Right Reverend Father the Bishop of Winchester.

"The remedies which I shall present are two: first, that we make an unanimous profession of our religion; secondly, that we desire a conference with the Lords to join with us in a remonstrance to represent these persons to the King, that they may have condign punishment. The motives are that the people are drawn for the King's subjection."

name contrary to lawe it was none of his but besides his intent. Another feare from the convocacion house: King Edward 6 did expresse in a dyary written with his owne hand that some Bishoppes for sloth, some for ignorance, some for popery were unfitt to be Bishoppes.* There are amongst our Bishoppes some very worthy and orthodoxe men for whome posterity will he beleaves blesse our age and tyme, but that all our Bishoppes are not soe wittnes the 2 Bishoppes named the last parliament in the Remonstrance, and Mr. Montague he will not call him Bishopp. Moveth that we should agree uppon a method and order for our proceedings.^b

MR. SHERLAND. Would have us declare that our Religion and faith is conteyned within the 39 Articles according to the opinions and interpretations which have bene published, preached written and taught by our devines from the first tyme of the publishing of them till within these 7 or 8 yeares.¹

Resolved that Mr. Spencer or any other that have seene or can produce the Act of State (which it is conceived is false) whereby the Articles of Lambeth were suppressed and the Recantacion that was made by [blank] that wrote or spoke against those Articles.

MR. SELDEN saith

The 39 Articles of our faith were agreed on by the Convocacion house A° 1562, and after confirmed by Act of parliament A° 1571. That the Reformation of our Religion was not perfect nor settled till 13° Eliza.

Resolved on question by this Committee that we shall make a declaration; That we the Comons in parliament assembled doe clayme professe

¹ Following this has been crossed out an interesting draft of the declaration evidently written while the debate was in progress, as the many corrections testify. In every case the stronger position was abandoned and a weaker one adopted.

* See J. G. Nichols, *Literary Remains of King Edward VI*, 2:478 (Roxburghe Club, London, 1857). Nichols quotes from a *Discourse on the Proclamation of Abuses* to be found among the Cottonian MSS. In that manuscript Edward says: "For discipline it were very good that it went forth and that those that did notably offend in swearing, rioting, neglecting of God's word, or such like vices were direly punished, so that those that should be the executors of this discipline were men of tried honesty, wisdom and judgment. But because those bishops whose should execute, some for Papistrie, some for ignorance, some for age, some for their ill name, some for all theis ar[e] men unable to execute discipline, it is therefore a thing unmeet for these men."

^b True Relation has a fuller account of this speech, but much the fullest is that given in Forster's *Sir John Eliot*, 2:210-14.

¹ In Lowther, Eliot is followed by Rich and Spencer. "Sir Nathaniel Rich: It is an easy thing to see the difference betwixt two opinions, but difficult to know the reasons of the diversity, for the matter of the difference we may take it into consideration, but not the latter.

"We do claim, profess and avow for truth the sense of the Articles framed 1562, which were confirmed by Act of parliament, 13 Eliz., 1571, which by the public acts of the Church of England and by general and current exposition of the writers; and we do reject the sense of the Jesuits and Arminians and all others wherein they do differ from us.

"Mr. Spencer questioned, for that he said that the Articles of Lambeth were recalled or suppressed by an act of state; and the same questioned by the Queen that the Bishop might incur a premunire; but this with much ado was quieted and proceeded no farther." Spencer's remarks explain what follows in Nicholas.

and avowe for truth that sense of the 39 Articles of Religion which were established in parliament An^o 1571 being in the 13 Eliz. which by the publique acts of the Church of England and the generall and current expositions of the writers of our Church hath bene delivered unto us: And that we doe reject the sense of the Jesuites, Arminians and all others wherein they differ from it.

To be reported³ presently to the house.

Mr. Speaker in the Chaire.

Resolved by question in the house that this declaracion agreed³ by the Committee of Religion shalbe made by us.

MR. TR[EASURE]R. That the King will forthwith take consideracion of staying the shippes for Spaine, and send us answeare.¹

¹ too morrow morning all 8 a clock, crossed out.

² made, crossed out.

³ At the close of the 29th Lowther gives: "An answer to the King that we cannot yet entertain the reading of the bill of tonnage and poundage." For this see also C.J. 1:924.

For Proceedings in the House on January 30th Lowther gives the only account aside from that in the Journal.

"A petition of John Predian, gentleman, against Henry Alein having preferred a scandalous petition to the King, together with 13 articles containing the most of the Arminian opinions, and accusing the Bishop of Lincoln.

"1. Puritan faction to agree *in tertis* with the Jesuits.

"That he defends the rigid opinions of predestination.

"That he calleth the petitions of parliament, the petition of puritans.

"That he defendeth the opinions of Doctor Mannering, and all the Arminian opinions.

"That those sectaries and maligners do especially oppose royal prerogative.

"That Justice is no measure betwixt the King and his people.

"That he averreth that the writing of his book to be a service to his Majesty, which is Doctor Mannering's opinions.

"That the Bishop of Lincoln charged the King with mutability, for giving two diverse answers to the puritans at Oxford.

"The House.

"The petition of William Jones against the Bishop of Winchester. Whereas divers opinions maintained by Mr. Montague against the tenets of our church, upon proclamation for the confirming of him Bishop of Winchester if any would prefer any Articles against him to show why he should not be confirmed, the said William Jones preferred divers Articles against him for the writing of divers books against the religion professed, yet notwithstanding he was confirmed; which illegal confirmation and his new broached opinions he desire you will be pleased to take into your pious consideration, and so to do as you shall think fit.

"Sir Henry Martin: The form of election of bishops is after a *congé d'élire* which is license to the Dean and chapter to choose, yet they must choose who the King shall name, and who shall speak against this election or confirmation shall incur a *præmunire*. And it is likewise true that proclamation is made if any will speak against his election he may, but yet he shall not; when they go to choose the bishop they pray that the Holy Ghost should direct them, yet shall choose such a one as is named. And I wish this ceremony might be left, for the form is as if they were free, but yet they are bound.

"Selden: The form of choosing of bishops being altered by the statute of 25 Hen. VIII, cap. 20, by which first letters missive by the King were sent to the Dean and Chapter to signify who he will have chosen, and then a *congé d'élire* to choose such a one, and then for the Archbishop to confirm him. But he taketh the meaning of this Act not to exclude exceptions which are legal, but make that a *præmunire*, when refusal is made without such due exception.

"Doctor Eaton saith that before this statute the King did nominate as now, as this statute was properly made for confirmation.

"But he saith that the reason as he hath heard for which the articles were not accepted of against him was, because there was no advocate's hand unto them, therefore they were illegal.

"Ordered that this dispute shall be referred to another time, for to be argued by both lawyers of the House.

31° JANUAR. 1628

Att the Comittee of Religion Mr. Pym in the Chaire.

Resolved that the busines of Arminians shalbe first debated.

SIR NAT[HANIEL] RICH saith the publique Acts of the Church of interpretacion are the Catechismes; Articles of Lambeth;^a and for Barretts preaching against the Articles of Lambeth, he was forced to recant which recantacion is alsoe in print with authority:^b the articles of Ireland:^c the conclusiones of the Sinode of Dort,^d the same being first allowed here by King James as the Opinions of the churches of England and Scotland: the Readings of the publique professors of our Univer[sit]ies. And all those bookes of our antient devines printed by authority of the Homilies of our Church.^e

MR. SELDEN: Shal assent that our Catechismes is a publique Act of the Church; and the booke of Homilies, the book of Ordination of Ministers, the booke of Comon Prayer; the articles were agreed unto in the Convocation house A° 1571: which was alsoe a publique act of the Church. Antiently there were Clergy men that did sitt and assent to all that the Convocation house did doe albeit they did not sitt in the Convocation house and therefore there was a parliament that [had] power and did agree of eccl[esiasti]call power.^f Would not have us take the Articles of

"Mr. Speaker in the Chair.

"The petition read which Predian preferred to the King and the articles which were preferred against the Bishop of Lincoln.

"He is called in and examined touching the petition, and the articles which he confeseth, and that it was his own handwriting, but denieth any encouragement that he had from any, and also that he intended puritans to be only Nonconformist."

Under this date True Relation gives the presentation of the Petition for the Fast to the King and his answer. That is the only place that the answer is given.

JANUARY 31.

^a For these Articles see Prynne, *Anti-Arminianism* (Second Edition 1630), 12-14. Lowther (68-69) quotes them at length from this book.

^b For Barret's retraction in the original Latin see Strype, *Life of Whitgift* (3 vol., Oxford, 1822) 3:317-20: for a translation into English see Prynne, *Anti-Arminianism* (Second Edition 1630), pp. 56-62. The retraction was made before the Heads of the University of Cambridge, not before Archbishop Whitgift who informed the Heads that they were without authority and should have submitted the whole matter to him (*Life* 2:239-41). Moreover he considered that they had made Barret affirm things contrary to the doctrine of the Church of England. To Whitgift the fault in Barret lay not in the views he held but in that he had started a controversy in the Church.

^c For the Articles of Ireland see Prynne, *Anti-Arminianism*, 17-21.

^d For an English translation of the 18 Articles of the Synod of Dort put forth in 1619 see Rev. Thos. Scott's, *The Articles of the Synod of Dort* (Philadelphia 1856), 182-90.

^e "Sir Nathaniel Rich; The better to find out those of that sect, we must know what the public acts of the Church are, and then we shall know those that dissent from them. And for the first I think these to be public acts of the Church.

"1st. Catechisms made and confirmed by Act of Parliament. Selden accord.

"2nd. The Articles of 13 Eliz., and the Common Prayer book are public Acts of the Church.

"3rd. The Articles of Lambeth." Lowther 68.

^f In earlier times as a rule, different persons were chosen as representatives for parliament and convocation (Makower, *The Constitutional History and Constitutions of the Church of England*, London, 1895, 205 n.). It is evidently to this fact that Selden refers. As nearly as can be made out from the very incomplete statement by Nicholas, Selden's argument was that in the earlier period there was a parliament of three estates which was superior to the convocation even in ecclesiastical matters.

Lambeth to be wrated by us as a publique act, for that they were printed: nor the Articles of Ireland or Scot[land] would they have to be said as publique Acts of the Church of England: nor yet the proceedings of the Synode at Dort, because there was noe authority given that Sinode by any publique authority of England albeit our men were sent over by pub[lique] authority; for there were other devines as of the Pallitinate etc. nor the Readings of our professors in Universities nor bookes printed by authority, but noe publique authority gives force to either of those.^a

MR. LITTLETON. The Convocation house hath noe power to make any Cannon of the Church or to put it uppon the State but by the assent of the State, what the Convocation house hath made for a Cannon hath bene rejected by the parliament.

SERJEANT HOSKINS. That by the Church is to be understood all the beleivers of the Church, and the Convocation house is not to be termed the church nor hath power to doe a publique act; for that only is said to be a publique act which is considered of, debated, disputed and resolved on by the King and all the State.

The papists and we agree all in the Scripture and differ only in the interpretation, and for that wee offer to be tryed by the 3 generall Creedes, the 4 first generall Councells, and all the antient fathers that wrote in the first 400 yeares.

This Committee doth adjourne itself till Tuesday 8 a clock.

Mr. Speaker in Chaire.

MR. SEC[RETARY] COKE. That the King doth appoint to receive our answer to his Majestie.^b

3° FEBRUARY 1628

An Act for naturalizing the lady Strange which received from the Lords twice read.^a

An Act for increase of trade: *I. lectio*. This Bill is for passing of Bills of debt from one merchant to another.^b

^a Lowther quotes Selden as follows: "Selden said that that could not be a public act of the Church, for that cannot be a public act which is not done by a public authority, for such an assembly cannot be any such act of the Church. Nor can I call as hath been said the Synod of Dort, nor the Articles of Ireland, nor the doctrine of the Church of Scotland, nor the readings in the Universities, which be things without authority; for if they be not true and not agreeable then they should bind us, which we would not then agree to, therefore we must be cautious what we make to be the public acts of the Church."

^b He appointed Monday at two o'clock (C.J. 1:925). The Commons Answer is given only in True Relation (p. 29-30).

FEBRUARY 3.

^a "An Act for the naturalizing of the Lady Strange, who was a Frenchwoman, and daughter to a peer of France, now a professor of this religion." Lowther 69.

^b "An Act for advancing of trade, that all merchants or traders may sell or transfer over bonds, bills or other specialties, without penalty, by a deed sealed and signed, and the assignee to have as full property and as good remedy as though the bill or specialty had been made to him." Lowther 69.

MR. SEC[RETARY] COKE reporteth that he hath used much dilligence and care in performance of the comands of this house and findeth he goeth in a slipery way betweene his Majestie and his people: the Committee presented to his Majestie the Answere of this house.

That our Answere gives noe satisfacion, he cannot thinke that we will deny him the libertie of any member of this house to whome it is free to bring in any Bill that he list. His Majestie will leave for us the state of Religion soe as wee exceede not our limitt in forme or matter: and if the State of Religion be as we apprehend he saith he hath wanted power or Councell. His Majestie expects we shall proceede with the Bill of tonnage and poundage according to his just desires; and if wee doe not he will quicken us.*

SIR JO[HN] ELLIOTT. That by the Kinges answere he perceaveth the difference of language betweene the King and his Ministers; for the Bill of Tonnage etc. was brought in by Sec[retary] Coke in his Majesties name; and now the King saith he did not send it to be presented to this house in his Majesties name. And since such thinges are put on us to the prejudice of our liberties he is of opinion that the member that delivered it soe to us contrary to his Majesties intencion is unworthy to sitt amongst us.^d

But on a little dispute this mocion of Sir Jo[hn] Elliotts was lett fall.*

Mr. Pym in the Chayre att the grand Committee of Religion.

SIR JO[HN] ELLIOTT.

Would have us vindicatt our truth of our Religion on the persons of those men who have written and preached Arminianisme, which will best establish our truth.^f

MR. ROUSE approves of the course propounded.

SIR JO[HN] ELLIOTT. That he conceaveth we may make the Articles of Lambeth to be as antient wrightings of our Church: that he can shew in point a truth that King James (howsoever he be now traduced) did not above a Month before his death professe that he did detest the opinions of the Arminians sects and said it was the same as the Pelagians.^g

MR. CORRITON. That the intent and meaning of the house is not to lay aside the Articles of Lambeth as denying the truth of them; but that

* For another version of the Secretary's report and for the King's Answer in full see *True Relation* (p. 31-32).

^d For this speech see also *True Relation* (p. 32-33). Nicholas took notes only on the last part of the speech.

* For this debate see *True Relation* (p. 33).

^f "Sir John Elliot moves that for the manner of our proceedings we may not seem to make or give any jealousy to that cause we have in hand being without question, but that first we seek and fall upon them, and make our charge on them which have erred from our profession, and then the Articles of Lambeth will come in as evidences against them, for a constant profession of the same." Lowther 69. This speech is given at even greater length in *True Relation* (p. 33-34).

^g In *A Declaration against Vorstius*, King James nine years earlier stated his position on the subject of predestination (*Works*, London 1616, p. 368): "The nature of man, through the transgression of our first parents hath lost free-will, and reteineth not now any shadow thereof, saving an inclination to evill, those onely excepted whom God of his meere grace hath sanctified and purged from this originall Leprosie."

we doe not take them as publique and binding Acts of the Church, because it might tend to the prejudice of the truth and the Church if soe many B[isho]pps in another assembly should resolve on any thing contrary to those Articles as the Orthodox opinions of the Church.^b

SIR TH[OMAS] HOBBY, would have us to take into consideracion what was here found the last Session against Mr. Montague who did maynly crosse and misinterpret the Articles of Religion, and to proceede with him and in that matter.

SIR DUD[LEY] DIGGS. That it seemes that the Arminians doe all agree on the Articles but the difference is on the sense of it: he wisheth that every Bishopp in his diocesse should suppress every one that teacheth against the Orthodox sense of those Articles: and that if we finde any to have invaded the true sense of the Articles that we pitch on them.

MR. CHA[NCCELLOR] OF THE DUCHY. That uppon the Remonstrance made the last Session, the Bishoppes now of Winton and London, did after the Remonstrance was delivered both of them on their knees with teares in their eyes att a full Councell absolutely disavow and protest that they did renounce the opinions of Arminius.ⁱ

SIR JA[MES] PERROT. That the Bishopp of London did when he was Bishopp of Bath and Wells entertheyne one Bayliff to be his Chaplaine and has since bene a meanes of his preferment, and that this Bayliff did openly holde and defend the opinions of Arminius and say that whatsoever Arminius hath written he is of the same opinion.^j

SIR FRA[NCIS] SEYMOUR. That the proclamacion against Montagues booke is esteemed by his friends not to be against his booke: but may be as well against those that oppose him: and he doth not beleeve that his booke is condempned when the partie that wrought it is advanced: he will not beleeve the booke is condemned till it be burnt by publique war[ran]t.^k

Resolved that it shalbe reported to the house as a desire of this Committee that the answere and proceedings against Mr. Montague shalbe taken into consideracion.

Resolved [blank] Sub Comittee to viewe the pardons have bene granted to Mr. Montague or any others of the like kind and to peruse like-

^b It was probably at this point that the Remonstrance of the last Parliament and his Majesty's Declaration were read as well as the Proclamation against Montague. Then followed a debate of some length in which, if True Relation may be trusted, Nicholas has omitted speeches by Kirton, Coryton and Erie. True Relation (p. 34-35).

ⁱ This speech of May's is evidently the same as that given in True Relation (p. 35). It comes well along in the attack on the bishops which grew out of the reading of the Remonstrance, and after the break in Nicholas's narrative noted above.

^j See also True Relation (p. 35).

^k Seymour was uttering an opinion very common at the time. See Rushworth, 1:634-35. The Proclamation was against the *Appelo Caesarem* as the "first Cause of those Disputes and Differences, which since have much troubled the Quiet of the Church," and also against any others who by making books *pro* or *contra* should revive the differences. Many of the answers to the *Appelo Caesarem* were suppressed.

wise the highe Comission and to procure autentique coppies of them. The reason that we may see whether Mr. Montague be not made by a comission Judge of those points of Religion against which he wrought.

This Subcommittee to meete in the Inner Temple hall this afternoon.

Mr. Pym is ordered to morrow to report to this Comittee in what state he left the last Session the busines against Mr. Montague.

Mr. Speaker in the Chaire.

Ordered that Dr. Ryves shal too morrow attend the house to shew (he being Officiall when Montague was made Bishopp) to answeere to some matters of fact att the said Bishoppes being confirmed.

Ordered that Jones the printer shalbe heard by his counsell if he will.¹

4^o FEBR. 1628

Dr. Ryves^a att the Barr confesseth that Mr. Jones the book binder did put in excepcions that Mr. Montague was not fitt to be a Bishopp that he refused the excepcions because an Advocates hand was not to the same, he was unwilling to delay to confirme him to be a Bishopp because the statute of 25^o H:8^b saith that it shalbe donne without delay.^c

MR. SOLLICITOR^d is of opinion that the proclamacion to be made before the confirmacion of a Bishopp is *pro forma tantum* and not to be taken hold of: for albeit the King sends a *Conge de Lier*¹ to a deane and Chapter to choose a Bishopp, yet with it he sends a letter Missive that they shall choose such a man and noe other; and that unlikely that the intent of the proclamacion is to give more leave to such a man as Jones is, then to the deane and Chapter. Besides for cutting of an entayle there is by the lawe a proclamacion to give out that any man that is in Remaynder may come in and set downe excepcions to the cutting of an entayle, but yet such excepcions are not legall or sufficyent to stopp a fyne to cut of an entayle.

The Question in this Case.

Whether att this day legall excepcions legally put in att the confirmacion of a Bishopp doe make a Nullity of the Confirmacion.^e

Friday 9 a clock Councill of Jones who are assigned by this house being Doctor Talbot and Dr. Stuart.

¹ See Lowther for January 30, p. 118, note j.

FEBRUARY 4.

¹ *congé d'être*.

^a Dr. Thomas Ryves was the King's advocate to Secretary Conway. *Cal. St. P. Dom. 1625-1626*, p. 386.

^b See *Statutes of the Realm*, 3:462-64.

^c *Cf. C.J.* 1:926.

^d Sir Richard Sheldon.

^e In True Relation this question is presented by Selden, whose speech no doubt followed that of Sheldon.

Petition of Tho[mas] Ogle. That for 2 papists in Queene Eliz. tyme in the North there are 1000 att this day. Saith Mr. Jo[h]n Cosens in a sermon att Duresme did preach that the Reformers of the Church that took away the masse did injure Religion and though they called it Reformation it was a deformation. He wished there were not a sermon in 7 yeares in England: 6 candles lighted att the altar: that he signed the signe of the Crosse on the Cushions [*sic*] and on the bread. They used to sing Antems resitting songs as the song of the 3 Kings of Cullen.¹ Organs to play att the Baptising of a child. Lockes upp the seates of such persons as observe not such superstitious Ceremonies. The Ministers by his direcions are to stand with their faces to the East, whereas by the orders of our Church the Minister att the Comunion should stand with their back to the North and faces toward the South.²

SIR THO[MAS] HOBBY. That this Ogle is an honest gent[leman] of good worth and has heretofore bene a Justice of the peace.

This busines is left without further debate till Mr. Ogles hand be [blank].³

There are 4 pardons sealed and delivered: first to Bishopp Montague, a second to Mr. Jo[h]n Cosens, 3 Dr. Sibthorpp, and 4. to Dr. Maynwaring. *Teste* of the privy seale 28 Dec. *Recepe* 3 Januar. All the pardons are like. [blank] treason, Riottes, all offences of premunire, sp[ec]iall words *omnes erroneous doctrinas vele minus orthodoxas et omnes doctrinas falsas* [blank] scandalize dicta [blank] publicaciones, scriptiones, predictiones et omnes judicia sententias sensuras [blank] all things that ma[y] make him unable to be a Bishopp etc.

That the now Bishopp of Chichester is of the highe Comission.⁴

Ordered that the former Subcommittee shall examyne who were the Sollicitores, procureres and agents of these pardones and all thinges incident thereto.⁵

To be added to the former Subcommittee.

Mr. Sec[retary] Coke, Sir Rob[ert] Pye, Sir Elwell Thelwell, [*illegible*].

Sir Rob[ert] Phillips, Sir Nat[haniel] Rich and Mr. Selden are sent to Mr. Attorney to know by what warrant he drew the Bill signed for the pardons aforesaid.⁶

¹ Three Kings of Cologne, *i.e.* the Three Wise Men.

² In a letter by the Bishop of Lincoln (John Williams) to the minister of Grantham touching the placing of the Communion Table, he directs,—1. Not to erect an altar where the canons admit a communion table. 2. The table not to stand altarwise and the minister at the north end, but otherwise, and he must officiate at the north side of it. Hist. MSS Comn. 3rd. Rep. App. p. 214.

³ There is quite a break here in Nicholas's narrative which can be supplied from True Relation (p. 36-37). Sir Eubule Thelwall brought in an accusation against Cosen one of the four clergymen who had been pardoned by the King. Sherfield moved that search might be made for the pardons. A committee was appointed for this purpose, he being made chairman. The same day he made his report.

⁴ This is Sherfield's report.

⁵ It was upon Kirton's motion that this order was made. True Relation (p. 37).

⁶ In a formal speech Phelps made the motion which resulted in the appointment of this special committee. True Relation (p. 37-38). Upon the motion of Sir Edward Giles, the attorney was to be sent for. True Relation (p. 38-39).

SIR JA[MES] PARRETT. Dr. Turner, Chaplaine to the Bishopp of London hath lately denyed the reprinting of the Articles of Ireland for that they did not concerne England, and he did doubt whether his lord would give way to it and that himself did doubt much of them.¹

Mr. Lownes a Stationer a witnes.

This Dr. Turner denyed license to print a booke that is written that the Church of Rome is not the true Church: for that he licensed one Hughe Chumley that hath written to the contrary.^m Dr. Twiss hath written a booke against Arminians; and when it was brought to that Bishopp, the Bishopp himself said tell him that he should well advise of the Kings proclamacion before he print it, and soe the booke is not yet printed.ⁿ

Beard a Stationer to witnes this.

Dr. Cosens did license Montagues booke called *appello Caesarem* when the said Cosens was Chaplaine to the Bishopp of Winton that now is.

Bishopp Whyte did dispute in defence of Montagues booke and Arminianisme, and that he did lately preach Arminianisme in a sermon att Court before the King.²

SIR ROB[ERT] PHILLIPPS reporteth that Mr. Attorney gave answeare very ingeniously.

That the last Sumer the King tould him he should draw a pardon for Montague and the other 3, but heard noe more of it till Mich[aelm]as Terme the lord of Dorset asked him whether he had dispatched the 4 pardons or noe, and that he tould his lordship he did not use to draw such pardons without warrant for it, and a little after the lord Dorchester now Secretary of State^o did send him a warrant under the Kinges hands and to insert into the pardons such words for printing of bookes and other things as the parties Councell should direct. He sent the roughe draught of the pardon to the Bishopp of Winton (who had before spoken of it to him)

² Between this speech and the following is written and crossed out, *Mr. Pym, that the busines. True Relation* at this point (p. 39) notes that Pym made report of all the proceedings against Mr. Montague, since the last Parliament of King James.

¹ See *True Relation* for this complaint at greater length. The Articles of Ireland were drawn up in 1615 by Ussher upon the nomination of the Synod. The Lambeth Articles were incorporated in them. They were without Parliamentary sanction and in 1635 were abolished by Convocation. Hardwick, *History of the Articles*, 180-84.

^m The book to which Dr. Thomas Turner denied license was probably that written by Henry Burton against Bishop Hall, *The Seven Vials*. Burton was answered by Hugh Cholmley in a pamphlet entitled *The State of the Now-Romane Church discussed by way of vindication of . . . the Bishop of Exeter*, and by Robert Butterfield in a work called *Maschil*. See the D. N. B. under *Burton*, *Cholmley*, and *Butterfield* and see also Bishop Hall's interesting letter to Cholmley on this controversy. Hall's *Works* (Oxford, 1863) 8:756-57. Cf. *True Relation* (p. 39).

ⁿ This may have been William Twisse's *Discovery of Dr. Jackson's Vanity* which was printed probably beyond sea in 1631 and was an answer to Thomas Jackson's *Treatise of the Divine Essence and Attributes* part 1 of which was published in 1628. Or it may have been Twisse's *Ad . . . Arminii Collationem . . . et . . . Corvini Defensionem . . . Animadversiones* which came out at Amsterdam in 1649.

^o Dudley Carleton was created a peer in May 1626, became Viscount Dorchester in July 1628, and Secretary of State in December of the same year.

who amended some things in it with his owne hands and inserted other things, and whereas it was drawne only for one of those men, that Bishopp did insert that it should be for all fower parties, and that he did speake to him to hasten Cosens pardon.^p

The same Subcommittee are again sent [*blank*] to bring from Mr. Attorney the copy of the warrant by which the pardons were drawne, and the roughe draught of those pardons, coppies of the affidavitts taken against Cosens, to know of Mr. Attorney whether any of those great lords^q or any others had seen or knew of those affidavitts and by what direcions they were stopped. To know of my lord keeper why he made stopp of the pardons and by whose sollicitacion he afterwards sealed them. And if the affidavitts be not in Mr. Attorneyes hands then to goe to Mr. Heath of Grayes in[n] who first had the affidavitts.

5^o FEBRUAR. 1628

An Act for confirmation of letters pattents granted by his Majestie to the Governor and company of the Summer islands. *I^a Lectio.*

An Act for review and reversing of a decree made in Chancery att the Suyte of Christ. Searle against Sam. Searle and diverse sentences in the high Comission Court against his Majesties prohibicion. *I Lectio.*

Pet[ition] of diverse Malt men of Hertfordshire: complayning that Alderman Cambell 19 yeares since laid a half penny on a q[ua]rter of Corne¹ of Metage that should be brought by the river of [*blank*]² to this Towne coming from Ware and since that tyme this imposicion hath bene increased to 2d on a quarter of Malt.

Pet[ition] of diverse farmers of Essex, Hertford, and Cambridge and husbandmen and Maltmen: complayning as before of the imposicions.

Both petitions are referred to the Comittee of grievances.

The 25th Article^a these words hath in it, and in such only as worthily receave the same, they have a wholesome etc. These words being left out is as if the Sacrements did conferre Grace *opere operato*.^b

The Act of parliament in 13^o *Eliz.* confirmeth not the originall Articles which are att Lambeth wherein the two first lynes of the 20th of the

^p Cf. True Relation (p. 39-40).

^q Undoubtedly meaning the Lords Dorset and Carleton.

FEBRUARY 5.

¹ *Malt*, crossed out.

² No doubt the Lea.

^a The reference is to the 39 Articles of Religion.

^b The ecclesiastical meaning of the Latin phrase *ex opere operato* is "apart from the receptivity of the human subject." Hardwick, *History of the Articles*, 26.

Articles are inserted; but did confirme the Articles that were sett out in a printed booke in which those two lynes are not.*

By adding these two lynes it gives power to the Church to alter Religion.

A Select Committee appointed to take consideracion of the differences of the Articles and the inquisicions.^d

This Select Committee is to take into consideracion the alteracions of the booke of Comon prayer, how they came and by whose worke they were altered.

This Committee is to consider of 2 Canons where it is said that who-soever shall say that the Convocation house is not the representative body of the Church of England shalbe *ipso facto* excommunicated. 2, whosoever shall say that the Convocation house shall not obey as well the layty as the Clergy let him be excommunicated.*

MR. LONG. That he hath bene since the last Sessions sued by a poursuivant to answeare in the Starr Chamber his sitting here in the house being then highe sherif of Wiltes. Saith he was chosen a Burgesse for Bath in the County of Somerset soe he returned not himself: and that as he heareth the intent was that he should answeare *Ore ienus*, but there is noe Bill as yet filed against him.

The question is now only whether a sherif of one County being afterwards chosen Burgesse for another may sitt in parliament without leave from his Majestie for that all sherifs are by the Statute tyed to reside in the County for w[hi]ch he is sherif.

Resolved this Case of Mr. Long shalbe taken into consideracion in the house on Munday the next.^f

* For a full discussion of this controverted point see E. Cardwell, *Synodalia* (2 vol. Oxford 1842) 1:34-60; Hardwick, *History of the Articles*; Waterland, *Works* (Oxford 3rd ed., 1856) 2:316-17.

^d For the members of this committee see C.J. 1:926.

* The reference is evidently to the *Constitutions and Canons Ecclesiastical* . . . , London, Anno Domini 1603. . . . Cardwell's reprint is from an edition "imprinted at London by Robert Barker, printer to the king's most excellent majestie, anno 1604" (Cardwell 1:245).

The Articles in question read as follows:

Authority of Synods

CXXXIX. A National Synod the Church Representative.

Whosoever shall hereafter affirm, That the sacred synod of this nation, in the name of Christ and by the king's authority assembled, is not the true Church of England by representation, let him be excommunicated and not restored until he repent, and publicly revoke that his wicked error.

CXL. Synods conclude as well the absent as the present.

Whosoever shall affirm, That no manner of person, either of the clergy or laity, not being themselves particularly assembled in the said sacred synod, are to be subject to the decrees thereof in causes ecclesiastical, (made and ratified by the king's majesty's supreme authority,) as not having given their voices unto them, let him be excommunicated, and not restored until he repent, and publicly revoke that his wicked error.

^f See Introduction for the different forms in which the clerk wrote up this resolution.

MR. SEC[RETARY] COKE delivereth that his Majestie hath appointed the 18th of this Month for a fast in this place; and the 20th of the next month to be through out the Kingdome.

Mr. Speaker leaves the Chayre and the house att a Committee for Religion.

Mr. Pym in the Chayre.

Mr. Ogle doth att this Committee averre his petition against Cosens read in this house yesterday and this day.

Resolved that intimacion shalbe given to Cosens of the Complaint against him.^a

Mr. Speaker in the Chayre.

MR. PYM reporteth Mr. Ogles petition against Mr. Witherington and Mr. Jo[h]n Cosens. The charge against the first being in generall, the Committee hath not resolved to send for him. But the Complaint against Cosens being of diverse particulars they are of opinion that by letter from the Speaker intimacion should be given him (he being of the Convocation house of York) of the Complaint that if he will he may be here to answer uppon Munday one fortnight. And that the wittnesses as are or shalbe named by Mr. Ogle.

All this Resolved on by the house on question.^b

SIR JO[H]N ELLYOT. That in a publique busines there ought to be noe charges allowed att all to the wittnesses that are to come to justifie it.^c

It being moved by Mr. Cha[n]cellor of the] Dutchy that a Coppy of Mr. Cosens Charge should be sent him, it was declared that it is not the use of the house to send Coppies of Charges, but when he comes upp he may here have a Coppy of the Charge.

The Kings printers being called in doe say; that they followed a printed Coppy printed A^o 1616. They have not observed any alteracion or difference in the 25th Article in the bookes last printed: that by the neglect of the Corrector a lyne concerning the Sacrament was left out, and afterward they new printed that leafe againe.

It is left to the Committee to send for the Corrector and to report the cause of it to the house.

SIR ROB[ERT] PHILLIPPS. That the lord Percy doth desire that Mr. Noye, Mr. Bankes and Mr. Ball being members of this house may have leave to plead in a busines of precedency in the upper house for his lordship. This is left to them to doe as they will without order.^d

^a Given at greater length in True Relation (p. 41).

^b Cf. C.J. 1:926.

^c Cf. True Relation (p. 42).

^d Cf. True Relation (p. 42).

6° FEBR. 1628

Petition of Fowkes merchant that he offered security to pay what should be due, or to pay soe as the officers of the Customes would repay if it were not due: they have seized and stored his goods against his will to the value of 5000£.

SIR ROB[ERT] PHILLIPPS. Desireth that this pet[ition] may be referred to the Committee appointed to consider of the busines Mr. Chambers, and Mr. Rolles which are of the same Nature.

And soe is alsoe the petition of Gilman, which is that his goods are seized to the value of 7000£.

Articles delivered by Mr. Ogle against Mr. Witherington wherein he allegeth that Mr. Witherington said that the doctrine of the Church of England is heresy: our translacions of the Bible are false, he hath burnt diverse Englishe Bibles saying he did it because they were false: did bury [*sic*] Sir H. Witheringtones body to be buryed publicquely without the ceremonies, did take away young Witherington who was not willing to goe with him because he said he would not be a papist. He hath laboured to seduce his Majesties subjects by his publique disputacions, by promising Rewards to such as would embrace popery: he was accused to be of the gunpowder treason whereby one Hall said he could prove he was of that treason, and yet never questioned Hall for it but hath used him with much respect: that the protestants of England were heriticks and that it were noe more to cut 100 of their throats then of soe many calves.

Mr. Ogle doth here affirme att the bar that he is reddey to justify the articles against Mr. Witherington.

Resolved that a Serjant att Armes or his deputy shall presently goe for Mr. Witherington.

SIR W[ILLIAM] BOWLSTRED recomendeth Mr. Harris of St. Margarets, one of the same name att Banbery^a in Oxfordshire.

MR. CORRITON would have alsoe one Mr. Fitz-Jefferies.

Resolved that the two Mr. Harris and Mr. Fitz-Jefferies shalbe our preachers and they are to agree amongst themselves who shall preach first and second etc.

Mr. Sherland is ordered to be in the Chayre for examinacion of Allen.^b

Resolved that the Committee of greevances shall sett on Wensday and Thursday and for trade on this Friday.

Mr. Speaker leaves the Chaire.

FEBRUARY 6.

^a According to both True Relation (p. 42) and C.J. (2:927) the second Mr. Harris was from Hanwell, Oxfordshire.

^b The examination of Alleyne was to take place in the afternoon. C.J. 1:927.

Mr. Pym in the Chaire for Religion att a Comittee.*

Mr. Sherfield reporteth concerning the pardons granted to Montague, Cosens, Maynwaring, and Sibthorpe. The Subcommittee findeth that the Sollicitor of Montagues pardon one Parson Skule did sollicit it, that Mr. Bart: Baldwin did sollicit that for Maynwaring, but know¹ who solicited for the pardons of Cosens and Sybthorpe. And one Watkins² a clerke that did sollicit. That this Subcommittee wanting power to send for any parties they could learne noe further of this. There is alsoe a pardon and release for all debts Sumes of money etc. lately imposed by parliament granted to the said Dr. Maynwaring. He hath a Coppy of Montagues pardon.³

Resolved on question by the house Mr. Speaker in the Chayre, that the grand Comittee for Religion shall not only have power to send for any parties; but alsoe all such Subcommittees as the said grand Comittee shal appoint.

Mr. Speaker leaves the chayre and Mr. Pym is in it att the Comittee of Religion.

SIR ROB[ERT] PHILLIPS, reporteth answere from Mr. Attorney that he saith that one Mr. Heath a gent[leman] of Grayes Inn his kinsman acquainted him in generall that Cosens should affirme that the King was not Supreame head of the Church of England and that for matter of excommunicacion the King had noe more power than his horse-keeper: he acquainted the King with this, and his Majestie thought this was only reported of Cosens out of splene yet Comanded the Attorney to examyne the truth of this: whereuppon he sent for his cosen Heath againe, and wished him to produce such as would testifie it, and by affidavittes it was sworne to the full; and understanding that the Deane of Duresme and Sir William Bellises were present Mr. Attorney sent to them to know the truth of it, and their certificatt differed very much from one Kings affidavitts and informacion. Mr. Attorney saith hereuppon he thought this would amount to nothing, and soe he desisted without any mans direcions; but the Bishopp of Winton asked him what the busines against Cosens was, and he tould his lordship he thought it would come [to nothing, and that Bishopp said that King was a Baggage fellow. Mr. Attorney could not find the affidavitts, but young Mr. Heath hath given them a Coppy of Kinges affidavitt.

Tho[mas] King of the Citty of Duresme maketh oath that Mr. Jo[h]n Cosens att or uppon the 27 Aprill [blank] King Charles is noe supreame

¹ *not* should be inserted here. See Grosvenor (p. 174).

² *One Mr. Wm.* is crossed out.

³ After this report, was written and crossed out, *Sir Rob. Phelipps: Resolved that the.*

* At this point Grosvenor, who only arrived the day before, began his diary. It is the account which the reader who desires the best narrative of events should follow from this date to March second. For that reason notes explaining the course of proceedings for these days will be given under that text.

head of the Church of England nor hath noe more power of excommunication then his man that rubs his horse heeles.

MR. SELDEN saith that Mr. Attorney had 4 severall warrants for drawing the 4 severall pardons to the Bishopp of Chichester, Cosens etc. signed by the lord vicount Dorchester Sec[retary] of State, dated 21^o December 1628. This was for drawing of a Coronacion pardon with such addicions as he should think fitt for preching, wrighting etc.

That Mr. Attorney gott accordingly the draught of a Coronacion pardon and thereuppon presented it to the now Bishopp of Winton from whome he received it with diverse interlinings alteracions and addicions.

SIR JO[HN] ELLIOTT. That these words of Cosens are highe treason, it denies the King his supremacy and certificatts ought not in this case to be allowed to excuse such a charge delivered on affidavitts for the lawe denies in cases of felony, doth deny a deposition against any that is made on the behalf of the King:^d this affidavitt doth accuse Cosens of highe treason, and for the Attorney to passe it over because of a certificatt to himself without acquainting the King with it when he was comanded by the King to inquire dilligently of it: would have the parties that made the affidavitts to be examined here in the house, and Mr. Attorney himself may be the more strictly and thoroughly inquire of it: and the rather for that it concerneth a person whome wee have cause to suspect, and he believeth that if the Attorney be well examined we shall finde out some other persons that were the cause of such stopping of the proceedings on the affidavitts, for indeede the slacknes and coolenes of Mr. Attorney in his proceedings in a busines of this nature (howsoever it prove to be true or false against Cosens) cannot bee excused or answered by him.*

Resolved that King that made the affidavitt, and Mr. Heath and Mr. Richardson alsoe shalbe sent for to attend the Committee about this busines.

Resolved^f that Mr. Littleton as he offereth may give notice to Mr. Attorney that the Committee is not satisfied with his proceedings on the affidavitts against Mr. Cosens for words spoken by him against the King, and Munday is appointed for him to answer for the houses satisfacion if it please him then to answer it.^g

^d As first written and later crossed out this resolution read: *Resolved that Mr. Littleton and Selden shall give notice to Mr. Attorney that Monday next is appointed for him to answer giving satisfaction by his answer here his slow proceedings.* The difference in the tone of the resolution as well as the fact that Selden's name was dropped is significant. The reason for the change in the resolution is explained in *True Relation* (p. 47).

^e See Grosvenor (p. 175) "in law a testimony upon oath agaynst such an accusation is not allowable."

^f Nicholas compresses into one, two of Eliot's speeches. See Grosvenor (p. 175-76).

^g For the debate preceding the resolutions see Grosvenor (p. 176).

7° FEBR. 1628

Resolved that Thursday next wee shall take into consideration the Bill of Tonnage etc. att a Comittee of the whole house.

A Select Committee appointed to examyne the complaint against Sir Ed. Moseley Attorney of the Dutchy.

Allen^a allegeth for other of his wordes 19° Jac. a booke sett out by King James wherein a proclamacion is sett out and a Relacion there-uppon. That Allen saith that some particular members of this house are the puritan faccion.^b

That Allen said that he spake not of this parliament but of another; but Mr. Seldens opinion is that whatsoever is spoken of against a former is alsoe against this parliament and parliamentary libertie.

Allen is accused of and confesseth very fowle language against the former parliaments and stiling of the same a puritan faccion.

SIR ROB[ERT] PHELLIPPS saith that he would have Allen sent to the Tower and some punishment inflicted on him in some publique place with a significacion of his fault to be for speeches and offences against parliament, he leaves the manner and the measure of his punishment to the houses further consideration.

Resolved that Allen shall have tyme given him till Munday next to answere in the house.¹

Speaker leaves the Chayre.

Mr. Pym in the Chaire att the Committee for Religion.

MR. SHERFIELD, reporteth that the Subcommittee appointed to examyne who were Sollicitors to get the pardons for Montague and the rest passed the Seale, did not attend, desireth a new day.

There are in the 4 pardons^a of Montague, Cosens etc. *erroneas opiniones, vel minus orthodoxas, doctrinas falsas, vel erroneas earumque publicacions, scandalize dicta, male gesta.*

It is now confessed by Mr. Lithe (Sonne to lord of Winton and a member of this house)^d that the words before mencioned and diverse other in the pardons were enterlynd by his lord and some by himself, by his lords comand; and some by a hand which he knoweth not.

SIR JOHN ELLIOTT. That it may be that those who were procurers of such pardons were the introducers of the acts and faults: that this

FEBRUARY 7.

¹ and then the house to proceed to comit was crossed out and above it written in the house.

^a Selden is reporting the examination of Alleyne. Nicholas got behind with his notes here. See Grosvenor (p. 178).

^b Nicholas fails to make sense of this. See Grosvenor (p. 178); True Relation (p. 48-49)

^c This is Selden's report. Cf. Grosvenor (p. 179); True Relation (p. 49-50).

^d Lyveley, Grosvenor (p. 179). As stated in True Relation (p. 50), he was probably Bishop Neile's secretary, not his son or servant.

lord of Winton is a man in whome most of the faults are that we complayne of.

SIR DAN[IEL] NORTON. That a learned doctor, prebend of Winton, called Dr. Moore being with this Bishopp, he told him he had used in King James tyme to preach in his sermons against popery to please that King, but now he must not use that kinde of preaching: the doctor said if his text ledd him to it he would doe it againe: that Bishopp replied he must not doe it. That the Bishopp fonde fault with the Comunion tables standing in the middle of the quire and said it was like a table in an ale-house and that he would have it stand att the upper end; albeit it stand according to the direcions in the Comon prayer booke.

SIR ROB[ERT] PHILLIPS would have it inquired out who procured the Kings hand to these pardons: and would have Dr. Moore sent for to testifye these speeches.

SIR JO[HN] COOPER. That he being in Dr. Moores house that doctor tould him the very same things as Sir Dan[iel] Norton hath delivered it.

SIR THO[MAS] HEALE. That he heard Dr. Moore repeate these words and say that he would justifie this with his life.

MR. VALENTINE. That one Mr. Tickler did preach att Grantham that all those who refused the loanes are damned.*

Mr. Speaker takes the Chayre.

MR. PYM reporteth the informacion of Sir Dan[iel] Norton concerning Dr. Moore.

Resolved that Dr. Moore shalbe sent to to come justify this informacion by letter.

9^o FEBR. 1628. ATT THE HOUSE

Tho[mas] King* and one Mustion informed against Mr. Cosens; King did depose to purpose, but Mustion did speak to noe purpose: it was informed that the Deane of Durham and Sir W[illia]m Bellisses were present who certifiycatt did cleere¹ the said Cosens, and thereupon he thought fitt not to proceede wherewith: he first acquainted the Justices to know what they would reply.

SIR JO[HN] ELLIOTT. That Sherif Acton, by prevarcacions, by uncerteynties, by contradicions and differences in his answeres did conceive they were abused for by his different answeres they could not learne any

* This was no doubt one of the many sermons preached as a result of "his Majesty's Instructions unto all the Bishops of this Kingdom." Rushworth, 1:422.

FEBRUARY 9.

As first written this read: *who certified the declaration did cleere.*

* This is the Attorney's narrative as presented by the speaker. See Grosvenor (p. 181).

there. Therefore the Committee was of opinion he was fit to be sent for by the House in answer to the same or the same questions.

The Committee next moved on the behalf of Sir John Ayscough who saith that if he is again called before the Committee he will answer cheerly in all points.

Resolved that Mr. Sir John Ayscough should next day go to the house as a responsum.

Mr. Sir John being assigned of Council with Jones the printer against Montague's election.

The questions on which they are in dispute

1. Whether the exceptions exhibited by Jones against Montague at his confirmation were legal.

2. If they were legal then if they are of validity.

If the exceptions were legal and true and admitted then they ought to stay the confirmation, for the law saith if he be indicted his confirmation ought not to proceed.

If the confirmation be voyde then he is not to be admitted to the Bishoprick.

A 2^d question is if the confirmation be voyde, what the effect will be; he will not lose his Bishoprick for his election doth give him right to the Bishoprick and it will only set him in the same state that he was sett the time of his election and before the confirmation.^a

The Twelve being likewise assigned of Council with the said Mr. Jones. Saith by the canon law there are two objections against a Bishopp: 1 against the forme of the election. 2 against the person elected; exceptions against the person are

- | | |
|--------------|--------------------------|
| 1. age | 3. birthright. |
| 2. knowledge | 4. crimes of the person. |

If the crimes expressed in the Articles of Jones against Montague were to be accounted *juris delicta graviora*, he thinks the articles were legall.

If a confirmation be made without a citation published it is voyde, and therefore he beleeveith if any man cometh in upon such a citation and^b maketh the confirmation contentious, and that his exceptions to it be true and legall he conceiveith the confirmation is voyde.

SIR H[ENRY] MARTIN. That the exceptions legally presented doe only avoide^c the confirmation of a Bishopp, but the matter of those exceptions being further examined may^d operate to make voyde the election of a Bishopp.

^a if instead of and makes sense

^b avoide means of course make void. See New English Dictionary.

^c This is Dr. Stewart's argument.

^d True Relation uses doth instead of may.

Dr. Stuart being of counsell with Jones doth say it is not⁴ more unu[su]all to have to excepcions against confirmacion of a Bishopp an Advocates hand, then to have a Councelleres hand to a Bill or plea.

SIR H[ENRY] MARTIN. There is forme to be observed att the confirmacion of a Bishopp from which he that doth confirme is not to swerve; the Citacion is to be sett upp att the Church to which the Bishopp is chosen. 25^o H. 8 there is enacted that if a deane and chapter doe not choose a Bishopp within twelve dayes, the King may choose whome he will, if they doe then there elecion is good. And the Archbishopp is to confirme the same Bishopp soe elected within 20 dayes, and because it cannot in all places have citacions sett upp in the propper church, it hath bene thought fitt that it should be sett upp att Bowe Church here in London. The parliament gave in that Statute the same authority to the King as was formerly in the popes and was not otherwise by the same ordered: in King Edward 6 tyme these formalities in Elecion were not liked but in 18. *Eliz.*^d there is in a statute a justificacion of that question concerning elecion and confirmacion of Bishoppes. Antiently the opposition att elecion and confirmacion of Bishops was a great profitt to the Court of Archesse. These citacions and proclamacions are rather formall then reall, and therein antiquity is observed, and no reason can be given for it, no more then for inauguracions of Emperors and Kings and for a champyon to proclayme at the coronacion. And it is not for every one to except to a confirmacion unlesse he be a'sheepe of the folde and interested in his confirmacion. A Bishopp is only passive at his elecion and confirmacion, for the proctors of the deane and Chapter were to have answered why they elected him and not the Bishopp.

The same excepcions that were sufficyent to have hindered his confirmacion, are sufficyent to put him out of his Bishoppick.

Dr. Stuarts pet[ition] concerning release against one Ferris Scroope esq. for a bond of 300£ fraudulently entered into by him.

10^o FEBR. 1628

[*blank*]^a Would have not only the Sherif Acton, but all those officers that did doe any thing against Mr. Rolles a member of this house and the man that served a subpoena uppon Rolles to answeare in the Starr Chamber, to deterre all others who meddle in businesses of this nature contrary to the priviledges of this house. Doth beleeve that the serving this subpoena proceedes not from the act of the Attorney or his man but

⁴ After *not*, *never used* has been crossed out.

^d See *Statutes of the Realm*, 4:484-86; also Grosvenor.

FEBRUARY 10.

^a Eliot must have been speaking when Nicholas came in. Cf. Grosvenor (p. 186).

from a higher hand, and that without the Kings knowledge; would therefore have disquisition made from whome this act of violacion of our priviledges.

MR. ALFORD would have a comittee to see what the informacion is in the Star chamber against Mr. Rolles.

MR. CHA[NCELLOR] OF THE DUTCHY: doth affirme that he believes the serving of this subpoena is without the knowledge or privity of the King or Councell and that it proceedes from some great error and mistake.

MR. SELDEN. That this subpoena is served not only on Mr. Rolles who is a member of this house, but on some others, as Chambers etc. whose busines depending in this Court of parliament are under the protection of this house, for every Court in Westminster hath power to protect the suyters in it: This violacion of our liberties he doth not beleeve to be an error or mistake but to proceede from the mildnes of our proceedings against such as have offered violacions to the priviledges and therefore would have us proceede rudly against them without delay.

Resolved that Mr. Rolles a member of this house shall have the priviledge of this house and that one Nich[ola]s Shrimpton that served the subpoena on him shalbe instantly sent to answere his contempt.

A Select Committee appointed to examyne¹ this busines and to serch for the subpoenas and the informacion in this businesses and all² matters incident thereto, and that the Committee^b shal have power to appoint any such persons as they shall thinke fitt to attend the house at such tymes as they shall thinke good.

Resolved that this Committee shal consider what priviledge shalbe granted to all³ those who have any suytes or petitions depending here.

Mr. Sherif Acton called to the Barr on his knee, and charged for pervericating, for frivolous answering, and contradicting there and in other things in refusing to answere att a Committee. He saith that it was not out of any disrespect or wilfulnes, but that it was out of his ignorance and for want of memory, and when he by speech with his brother the Sherif he had called to mynde more of the businesses whereon he was questioned he desired to be called againe to the Committee, and he would deale cleerely with them and give them contentment.

MR. SELDEN: That in 37^o H. 8 the 2 sheriffs of London were sent to the Tower only for giving ill language to the Serjant who having served a process on a member of this house and being sent to the Sheriff to know whether he should release him, and the Serjant was sent to Newgate and

¹ *search out, take into present consideration* crossed out and *examine* written above.

² *Businesses and* crossed out.

³ *the priviledge Mr. Chambers and all* crossed out and *this . . . to all* written instead.

^b *the Committee* should read *all Committees*. See C.J. 1:928; Grosvenor (p. 187).

the partie att whose suyte the member of this house was arrested, was sent to the Counter.

Resolved* on the question that Mr. Sherif Acton shalbe sent to the Tower for his abuse done to the Comittee in not clerily answering to their questions. And he being called in and kneeling on his Knee att the barr the Speaker delivereth Sentence accordingly.

SIR BENJAMIN RYDIAR: That there have bene many publike censures and recantacions in Oxon and Cambrige made on such as have held tenets of Arminianisme and popery, desireth that letters may be sent by the Speaker to the body pollitique of the Universities for the originalls or authentique coppies of such censures and recantacions.

Resolved on question according to the mocion of Sir Ben[jamin] Ridiar.

Resolved that on friday next Sir Jo[hn] Wolstenholme, Dawes, and Carmarthen shall here answer their contempt against the priviledges and members of this house.

11° FEBR. 1628

[*blank*]^a That the order in the Exchequer Chamber was to forbid the merchants that they should not take away their goods without paying Customes, and the bill exhibited in the Star Chamber against those merchants that have claymed their interest in their owne goods is to punishe those that should clayme their goods.^b Agreeth¹ that further consideration of that bill in the Star chamber against Mr. Rolles and the rest may be considered of by the house as a thing propper when we debate of the bill of Tonnage etc.^c and² whereas there are diverse orders and sentences given³ and made since King James his tyme for payment of the Subsidy of Tonnage and poundage desireth that some of those orders informations and claymes made on behalf of the King may alsoe be here considered of by the house too morrow. And that a report may be made of soe much of this busines as the Comittee hath or shal perfect against too morrow.^d

MR. KIRTON. That wee heard the King say he took not nor did clayme the Subsidy of Tonnage and poundage as his right, and yet by

* A long and heated debate preceded this resolution. Grosvenor (p. 188-89).

FEBRUARY 11.

¹ *moveth that the* has been crossed out and *agreeth* put in.

² *desire*, crossed out.

³ *against*, crossed out.

* This is Selden's report.

^b The bill was brought in and read. True Relation (p. 57); Grosvenor (p. 190).

^c This is a resolution passed by the House. See below p. 138.

^d This is a motion made by Selden and passed by the House. See below.

the informacion^a exhibited in the Star Chamber we see his Majesties Ministers doe proceede otherwise.

Resolved that the informacions in the Star Chamber against Rolles, Chambers, Fowkes, etc. for not payment of Custome shalbe considered of too morrow by the Comittee of the whole house appointed to consider too morrow of the Bill of Tonnage and poundage as being an incident to this busines: and that alsoe the Comittee which hath alreddy taken paynes in examinacion of this busines shall perfect a report thereof against too morrow, and that they shall alsoe then bring in coppies of the informacion and order in the Exchequer made concerning this busines.

Resolved on question^e that noe lawyer member of this house shall departe or be absent from this house without leave. And that a letter shalbe sent by Mr. Speaker to Sir Ed[ward] Coke to come hither.

Mr. Pym in the Chayre.

Pet[ition] of the printers^f and booke binders and booke sellers. Complayning that the Bishopp of London and his chaplaines have licenced diverse bookes holding opinions of Arminianisme and popery and suppressed others that are orthodoxall, and if any orthodoxall have bene printed such as have printed or sold them they have bene punished for [it] by the highe Comission and their bookes have bene taken from them.

Michaell Sparkes, James Buler, and Jo[h]n Beale^g printers and booke binders doe affirme this petition to be true, and say they have the consent of all the rest whose names are mencioned under the petition.

That Mr. Turner since the last Sessions of parliament did refuse to print a booke called *a Spur to a celestiaall race* because there was in it that a man may be certene of his salvacion.^h He printed a booke of Bishopp Carleton against Arminianisme,ⁱ which was attested by that Bishopp, the Bishopp of S[al]isbury, Dr. Belcanquall,^j and Dr. Goade^k and Mr. Warde:^l for which he was questioned in the highe Comission and if he had not conveyed away his bookes they had bene taken away, and since that book

^a bill crossed out and *information* put in.

^e Upon Price's motion. Grosvenor (p. 190).

^f Presented by Waller. Grosvenor (p. 191); True Relation (p. 58).

^g Michael Sparke, James Bowler and John Beale, according to the *Stationer's Register*.

^h No clue to this can be found. But see Grosvenor (p. 191).

ⁱ Bishop Carleton brought out in 1626 *An Examination of those Things wherein the Author of the late "Appeale" holdeth the Doctrine of the Church of the Pelagians and Arminians to be the Doctrines of the Church of England* (London).

^j Walter Baleauquall became Dean of Rochester in 1624.

^k Thomas Goad was a divine of the Church of England present at the Synod of Dort and was joint author with Featley of *Pelagius Redivivus*.

^l Samuel Warde was Lady Margaret Professor of Divinity at Cambridge. Walker, *Sufferings of the Clergy* (London, 1714) pt. 2, p. 158-59.

was printed it being the first written against Arminianisme he could never be quiett.

A Subcommittee appointed to consider of all the partes of the printers petition.

MR. SHERFIELD reporteth from the Subcommittee, that Mr. Allison Mr. Attorneys man said to the Subcommittee that Mr. Sybthorpe did sollicit his owne pardon and that he said that he would get the Bishopp of Winton to get the Kings hand to his pardon. That Lambe^m said, that the Bishopp of Winton did deliver him the bills signed for the pardons of Mr. Cosens, and Sibthorpe, and that after the Bishopp of Winton did confesse he did get the Kings hands to the same, as alsoe to that for Montague. And soe it was conceived that that Bishopp did for the pardon of Dr. Maynwarding.

It was alsoe saidⁿ that Mr. Flexton [Blackstone] said that all the said pardons were drawne by the Attorney before he had any warrant for it.

MR. CROMWELL saith that Dr. Beard tould him that one Dr. Allablaster did att the Spittle^o preach in a sermon tenets of popery and Beard being to repeate the same, the now Bishopp of Winton (then Bishopp of Lincoln) did send for Dr. Beard and did charge him as being his diocessen not to preach any doctryne contrary to that which Allablaster had delivered, and when Dr. Beard did by the advice of Bishopp Felton preach against Dr. Allablasters sermon and person, Dr. Neale then Bishopp of Winton did reprehend him the said Beard for it.

SIR JO[HN] BACKHOUSE. That the now Bishopp of Winton had used the like speeches to one Dr. Marshall who lives nere Odiham as he did to Dr. Moore, as one Payne told him, and that the said Dr. Marshall did say this to one Brierds^p and Godson.

SIR RO[BERT] CRANE. That he hath bene informed by a very honest man and a good divine, that Cosens when he was of Jesus Colledge^a receiving of the communion did there at the very tyme of receiving that Sacrament reade in a booke intituled a preparation for the Masse.

MR. WALLER. That he hath heard that Cosens hath come to the printers office and there hath put out of the comon prayer booke the word Minister and put in steede of it priest: and strook out of the prayer for

^m This was perhaps John Lambe who became in 1629 a member of the High Commission Court.

ⁿ By Alured. See Grosvenor (p. 192).

^o Nicholas has this wrong. Beard rehearsed at the Spittle Alablasters sermon at Paul's Cross. See Grosvenor (p. 192-93) and True Relation (p. 59).

^p This probably should be Bryers. See Grosvenor (p. 193).

^a Nicholas misunderstood. It was Caius College, as in Grosvenor (p. 193).

the Queene where it was that God had care of his elect and his seede this Cosens struck out the word elect.*

Resolved that Mr. Richardson and Mr. Heath shal attend to give testimony against Cosens, and one Tho[mas] Wryte shalbe sent for.

SIR MYLES FLEETWOOD Chargeth Mr. Montague

1. of Scisme and error in doctryne.
2. Sedicion and facion in matter of State.

The first is proved by his books *The Apeale* and *The Gag*.

That he hath published that the Romishe doctryne is as it was left by C[hrist], and that the differences between us and the papists are of such an alloye as that they may be easily reconciled, and therein laboured to draw his Majesties subjects from their religion.

2. Sedicion and facion in State.

First he hath layd scandalles on the King James; that he hath cast the scandalous name of puritan on his Majesties best subjects.

Resolved* that a Subcommittee be appointed to collect these things that have bene proposed here and shalbe proposed to them concerning the danger of the present state of Religion; the causes thereof, and the Remedies. To sitt Thursday next.

MR. WHITTACRES. That Montague did say att the Committee the last Sessions that Dr. Linsey did send to him for his booke *The Gag* and followed it to the presse.

Mr. Speaker takes the Chaire.

Resolved that letters shalbe written by the Speaker to Dr. Beard of Huntington, and Dr. Marshall of Hampshire: to come hither to testify against the Bishopp of Winton.

12° FEB. 1628

SIR JO[HN] ELLIOT, Reporteth,* There is a Comission 26 Julii 2° Caroli to receave the Subsidy of Tonage untill it shalbe settled by parliament, and those that refuse to pay it to be imprisoned. Another greevance in this busines is a grant made of the farme of these Customes for one yeare ended att Christmas last; and another grant to end att Christmas next and these in consideracion of money paid before hand. The Customers accordingly seized the goods of the merchants, and thereon Mr. Rolles

* This sets an earlier date for the change than that given by Campion and Beamont in *The Prayer Book Interleaved* (Cambridge 1866-67). They state that "the Prayer assumed its present form in 1633, when Laud cancelled the expression 'a Father of thine elect and their seed.'"

* This resolution came upon Rich's motion at the close of the debate and hence should probably follow instead of precede Whitacre's remarks. See Grosvenor (p. 194).

FEBRUARY 12.

* Nicholas came late. Eliot is reporting from the Committee for the Merchants' Petition, the matter of Tonnage and Poundage. See Grosvenor (p. 195); C.J. 1:929.

and others tooke a Replevin out of the Chancery, and thereon the Customers addressed themselves to the Attorney Generall and he to the Exchequer, and the farmers make oath that the said merchants goods were by them staid only for the Kings use only, and thereon the Court orders writing the farmers affidavitt, and for that it was the usuall course of that Court to stay all suytes in any^b Courts that were against the Kings profit, and for that this busines was fitt only for the parliament now shortly to be assembled to determine and settle the right thereof, and that therefore the Farmers should retayne their possession of the said goods and the merchants should the 27^o November be heard in that busines, when another order was made by that Courte, that the Merchants should not have their goods nor sue elsewhere. 30^o January another Replevin taken by Chambers out of the Sherifs Court, and Mr. Attorney complayning thereof gott an order that noe proceedings should be thereuppon: and since there was noe place left for the merchants to sue here, he is to make a Request from the Comittee that the said Comission and all the said proceedings concerning the Farmers and Customers in this busines of the Subsidie of Tonnage and poundage shalbe received into the house.

Resolved that the said courts and all proceeding concerning the Customers in the busines of Tonage and poundage shalbe received into the house.

Att a Comittee of the whole house Mr. Sherfield in the Chayre.

Pet[ition] of Chambers,^c Fowkes and Gilman complayning that they are sued to answeere an informacion in the Star Chamber concerning the busines formerly complayned against him in parliament, desire the protection of this house.

Resolved that this pet[ition] shalbe presented to the house as soone as Mr. Speaker shall come out of the Comittee Chamber, and that the sence of the house is, that this petition doth concerne the libertie and privileges of this House.

MR. SELDEN. That it is highe tyme to consider how the merchants may get restitution of their goods the Terme being now even att an end,^d and what orders we procured by Sir Elliotts report to be made in the Exchequer, and this he thinkes to concerne principally the busines of Tonnage and poundage.

SIR JO[HN] ELLIOTT. That one of the merchants hath 7000£ worth of goods deteyned and thother 2 soe much more as will make it upp nere 20000£, and these men have paid nere 11000£ custome to this King since his Reigne. Would either have us or rather the house to take some course to bring these good merchants to possession of their goods;

^b *other*. See Groevenor (p. 196).

^c Presented by Waller. See Groevenor (p. 196); True Relation (p. 60).

^d The Hilary Term ended on February 12.

that the great block and hindrance is by the order of the Exchequer grounded on an affidavitt of the customers that the said goods were deteyned only for duties to the King disclayming all interest for themselves, whereas they having advanced 50000£ for the said customes it is apparent that they staid the said goods only for their owne interests, and he beleeveth that, if the Judges in that Court should be truly informed that the said duties mencioned in that affidavitt was only the matter of Tonnage etc. And would have a message sent by us accordingly to that Court to lett the Judges understand this and then he doubts not but they will open the passage for Replevins and other lawfull means to proceede in other Courts for the merchants satisfacion.

MR. CORYTON, That till this rub be removed he cannott conceive we can proceede with the Bill of Tonnage etc. for if the merchants be not established in their right we cannot shew that wee have power to give Tonnage etc. that the affidavitt made in the Exchequer is untrue, and soe all the proceedings of that court mistaken.

SIR ROBERT PHELLIPPS.

detencion, of the merchants goods,

obstrucion, the stay of proceedings in the Exchequer.

gradacion of this busines wherein he considereth principally the Information in the Star Chamber.

Would have us resolve on debate to sum upp together all these matters in this busines presented, to let his Majestie know the state thereof and then the wrong done to his Majestie and particularly concerning the informacion in the Star Chamber, for till his Majestie doth let us be free men we cannot proceede with the Bill of Tonnage and Poundage.

MR. NOYE, would have us speake of Tonnage etc. and not to neglect that of the merchants goods; that Tonnage and Poundage is an ayde and Subsidy, and as the merchants pay it soe we pay them. They are the greatest hinderers, that seeke to take Tonnage by force: that which a man giveth on anuyty for a yeare, he cannot clayme this as a duty. That informacions in the Exchequer are for not paying of Customes grounded on the statut of 1^o Jac.* There are Judgmentes given in the Exchequer on proclamacion on default: would have us remove these informacions in the Exchequer and alsoe the informacions in the Star Chamber, for if we doe not right ourselves in these things, we shall but confirme the King in the right of such Tonnage etc. and not give it. Would have us goe on with the busines of Tonnage, and to declare in our Bill that all those particular acts in the Exchequer and other places are voyde and of noe effect, and contrary to the right of the Subjects, and thus he thinkes we shall end all differences, and when the Bill of Tonnage etc. goes on

* 2 Jac. cap. 33. Cf. Grosvenor (p. 199, note k).

then we may pray the restitution of the merchants goods which are seized for Tonnage.

MR. SELDEN. It appeares not by any immediatt of the King that his Majestie doth meddle with any of these proceedings, but that it hath bene only the acts of his Majesties Ministers for ought we know without his Majesties privitie. In the matter of seizing of the merchants goods it doth not appeare that the King was knowing of it. It is apparent by the Comission granted to the farmers, and by the relacion of the proceedings of the Councell Board that they still said and intended that the parliament should determyne this busines of the Customes; and that the only stopp and cause why the merchants goods are kept from them is the decree in the Exchequer, which was grounded on the affidavitt which was falsified by the word duties, and now since those that made the affidavitt have affirmed that they intended by the word duties the Subsidy of Tonnage and poundage. Would have us therefore send by order of the house to the Judges of the Exchequer to acquaint them that the parties that made the affidavitt doe affirme that they meant Tonnage and poundage which we conceive to be mistaken duties, and therefore to move them to call the said parties before them againe and on oath to examyne them what duties they meant, and if it appeare to be mistaken duties, then they may alter their decree: and he doubts not but they will.

MR. SOLLICITOR, would have us to have the effect of the message moved to be sent to the Exchequer to be rather for the dignity of this house moved by the Councell att that barr then by message from us, because those Judges cannot alter their judgement but by mocion att the barr, and hearing of councell on both sides.

[blank]¹ That the language of acts and things will last longer then words, and a cold preamble will not be sufficyent to nullifye the fyery proceedings contrary to our priviledges, and therefore till we have settled our right and the merchants right to their goods seized would not have us proceede to passe the Bill of Tonnage and poundage: Judges proceede according to allegate and probate, and not according to his owne knowledge, and since it appeares to the Judges that it were duties the Judges did well to proceede accordingly and he doubts not but upon true and orderly informacion they will alter their judgment.

MR. LITTLETON, 34 H 8 it is said in what cases a man should petition for his owne goods: doth conceive we cannot passe the Bill till we have established the merchants in their right, and would have us therefore to goe to the Exchequer to informe what duties were intended by those that made the affidavitt.

MR. NOYE would have us give the parties direcions to move by their Councell in the Exchequer that those parties who made the affidavitt

¹ This speech is evidently by Glanville. See Grosvenor (p. 199).

have declared that by duties they intended Tonnage and poundage, and that to this purpose they may be examined againe uppon oath.

Resolved that a message shalbe sent to the Lord Treasurer and Barons of the Exchequer by some members of this house;

That whereas an order was made in 27^o November in the Exchequer uppon an affidavitt mad^e concerning the Kings duties, the deponents having uppon examinacion declared every one their meaning by the word duties to be the Tonnage and poundage and other somes comprised in the booke of rates: that a Message shalbe sent to give notice to the Court of Exchequer of this declaracion that soe that Court may proceede as to justice appertayneth.

And this is confirmed by the house the Speaker in the Chayre.

13^o FEBR. 1628

Dr. Moore att the barr testifyeth that the now Bishopp of Winton did say to him that he had heard him preach in King James tyme against popery and tould him he must not preach soe now: that the Comunion table since the coming of this Bishopp to Winton hath bene removed to the upper end of the quyre to stand like an alter, and they call it now the highe alter, and there on since the Bishopp hath come there are sett two highe candles stickes which they say were the same that were used att the marriage of Queene Mary, and all the womens seates are removed out of the quire, and since that tyme this supersticion is revested: that Dr. Theodore Price some tymes principall of Hart Hall hath used att his house to have two napkins laid a crosse, which done he himself maketh a low obeisance to that crosse, and causes his man to put at one end of that crosse a glasse of seck, att another end a glasse of clarritt, att another a cupp of beere, att another a cupp of ale, and in the midst a cupp of March beere.

Dr. Moore is to deliver in wryting the effect of his examinacion and what he knoweth concerning the same.

MR. CHA[NCCELLOR OF THE] DUTCHY. That the Lord Treasurer and Barrons of the Exchequer will consider of our message and send us an answere with speede.*

Att a Comittee Mr. Pym in the Chayre.

SIR W[ILLIAM] BOLSTRED. That there are two masses every day at Queenes Chappell before she comes, and people flock thither: would have it intimated to the King that none of his Majesties subjects either English, Irish, or Scotch that are papists are fitt to be about the queene for they are more violent then the French. That a Comittee of this house may

FEBRUARY 13.

* This message of May's preceded Moore's testimony. Grosvenor (p. 203).

be appointed to inquire by what writ or authority the priests and papists taken at Clerkenwell were released, and whether the cheif priest were pardoned.

SIR ROB[ERT] PHILLIPPS. There are in St. Giles and the Suburbs thereabout without London besides Westminster 800 knowne papists, which great propagacion of popery is by the only connivenecy of the officers, and he hath it from good hands that since the tyme of King James there were only two houses beyond Seas vizt. at St. Omer and Douay: and now there are 40 houses consisting of 1140 persons beyonde Seas maynteyned and supported by the wealth of this kingdome, and that since 8ber [October] last they have sent over for money to maynteyne them. We have good and copious charges given to the judges for execucion of lawes but nothing has bene done thereon. Would have a Remonstrance to the King to shew his and the States danger, for there is more Jesuiticall papists in England, that his not more the King of Spaynes subjects and in affection then our Kings.

MR. SELDEN. There was one priest condemned which was of them that were apprehended at Clerkenwell, the 10 priests which were att Clerkenwell had begun a colledge there, and it was to be a house of probacion for novellists. There are in Ireland 40 Monasteres for papists. And this bouldnes would not be, but that the papists have some strong and great persons that contenance them.

SIR DUD[LEY] DIGGS. That there are in Ireland 4 Archbishopps and Bishopps and 800 Clergy. When he and the rest of the Comissioners were in Ireland there were few papists and all the great papists did take the oath of allegiance; how since that tyme popery is there increased and by what and whose connivency he thinks worthy enquiry. He hath receaved as much discomfort by the Kings resolucion to send Jesuits and preists to Wisbidge Castle, as joye to heare the Lord Keepers speech charging the Judges to enquire out such persons soe ill affected in Religion.

SEC[RETARY] COKE. That it is true there was a colledge discovered att Clerkenwell of papists in all order for mayntenance of revenue, some Reliques of the Jesuits patron or St. Ignatius were found there, the King comanded that consideracion should be taken thereof by the Concell Boarde, and order given by the same to Mr. Attorney to proceede att the Sessions.

SIR FRA[NCIS] DARCY.^b That att the Sessions there were 3 preists tryed, the one of which was found guilty and adjudged, and thother 2 were discharged, and soe put amongst others that were apprehended which made upp 11 persons and they refused the oath of supremacy and

^b Gardiner (7:57) misread this "Davey."

soe were sent back till next Sessions, when they were expected but came not, and it seemes were freed by what meanes he knoweth not.

Resolved that Mr. Long a Justice of peace that first made this discovery, and the Clerck of the peace of Middlesex, and the Clerck and Keeper of Newgate shalbe sent unto, and a Sub Comittee to goe and see by what warrants the said preists and others apprehended att Clerkenwell were delivered or released, and to examyne the said Clerck of Newgate and the Keeper there: and the same Comittee to speeke with Mr. Long the said Justice of peace of Middlesex about this busines. And to report this busines to the house too morrow. Ordered that Crosse the messenger shal alsoe attend this house about this busines.

Resolved that it shalbe moved to the house that by order thereof that all knights and Burgesses shall bring in all such letters that have bene written for stay of execucion and prosecution of papists and by whome.

This was injoynd by order of the house.

Mr. Long the Justice of peace being here examined, saith that one priest confessing himself to be soe was condemned, 2 others denying it were with 7 or 8 others tendered the oath of allegiance which they refused confidently, and thereon were sent back to prison to prepare them for a further tryall next Sessions, because till a second refusall in open Sessions they cannot be convicted, but they were after delivered by what warrant the keeper of Newgate can tell, but he knows not, only he takes it they were brought to Mr. Attorney and soe by him discharged.

Resolved that Mr. Latham who tooke the house att Clerkenwell and Mr. Middlemore that lett that house whereby that use was made by the Jesuits shalbe here too morrow morning. And to Mr. Sec[retary] Coke it is intimated the house desires to see the papers concerning the busines att Clerkenwell.

Mr. Speaker in Chayre.

The former resolucions are ordered by the house.

14 FEBR. 1628

MR. SELDEN, saith that a member of this house ought not to be judged uppon a complaint in the upper house* but it ought by the Lords to be dismissed, or if they will not, yet we should not give leave to him to answeare, for in H. 5 tyme there was a complaint made in the upper house by a member of this house against another member and then the busines was dismissed because it concerned a member of this house.

FEBRUARY 14.

* Nicholas is late again. Selden is talking about Sir John Hipposley's request for leave to answer a complaint in the Lords' House.

He is of opinion that Sir Jo[hn] Hippisley ought not to have leave to answer a complaint in the upper house made by one Nichols.

SIR ROB[ERT] PHILIPPS. That untill the midst of the parliament of 18 *Jac.* there was not a member of this house adjudged these 100 yeares. That the reason why they are soe tender not to have a member of this house sued out of the house, is because he should not be distracted with the care of answering and following of suytes in other Courts, and therefore he would [not] have leave given to Sir Jo[hn] Hippisley to answer in the upper house.

MR. STROUDE, saith that the Duke of Buckingham did by his Concell (Mr. Attorney in 2^o *Caroli*) answer a complaint in this house, and he doth not see why wee should not aswell give leave to a member of our house to answer in the upper house as the Lords have given leave to a member of their house to answer here in our house.

This busines is referred to a Committee to be considered of and all other of the like incident thereto and to seeke forth precedents.

To sitt Munday next, power given to send for Records.

Answer from the Lord Treasurer Chancellor and Barons of the Exchequer that by their decree did not determyne the right of Tonage and poundage by their Injuncions and order. And soe they declared att the making of the same, nor did barr the owners of those goods to sue for their goods in that Court. But that Court did by these orders and Injuncions did only stay such Suytes in other Courts as were brought by the owners for Replevin for recovery of possession of their goods, which they conceive to be contrary to the legall prerogative of the King: but if the said owners did finde themselves greeved they might sue in that Court.

MR. SELDEN. That the constant course of a Court is without question lawe, and would therefore have a comittee to examyne whether it appeare by the records and constant course of that Court that what the Court of Exchequer hath done in this busines be according to the course of the same.

SIR ROB[ERT] PHILLIPPS. That he cannot conceive that when goods are taken for the King contrary to law, that it is agreeable to the legall prerogative of the King that possession therof should be kept by the Court of Exchequer, and that noe Replevin lyeth in such case.

Resolved that a Select Committee shall take into consideracion this busines and the answer of the Court of Exchequer and *super totam materiam* to examyne by serch the course of the Court of Exchequer in such cases, with power to send for Records, and wittnesses, and to make report thereof to this house. To sitt this afternoone.

Dr. Rob[ert] More hath sent into this house under his hand the testimony^b he here gave against the now Bishopp of Winton yesterday by word of mouth which is refered to the Comittee of Religion.

Resolved,^c that Sir Jo[hn] Wolstenholme, Mr. Dawes, and Mr. Carmarthen are to be here Munday next in the morning and alsoe Nicholas Shrimpton to answer their contempt against the priveledge and members of this house.

Att a Comittee for Religion Mr. Pym in Chayre.

SIR THO[MAS] HOBBY. That one James¹ did say that the priest Ed. Moore was by order from Mr. Recorder sent over night to stay the execucion, and that he had a² warrant from the lord chief Justice of the Kings Bench. That the Earl of Dorset did tell this James that it was the Kings pleasure that he deliver the said ten others that refused the oathe of allegiance, and that his lordship sent Sir Jo[hn] Sackvill to Mr. Attorney for a warrant to that purpose, and after by warrant from Mr. Attorney they were delivered on security, with two sureties for each man to appeare (within twenty dayes after notice to be left att the wittnesses houses) att the Councill Boarde.

SIR FRA[NCIS] SEYMOUR. Would have us send by such members of this house as are of the privy Councill to know of his Majestie whether he gave order accordingly for the release of these persons; for he seeth noe warrant that the lord of Dorset had to give such direcion for release of these prisoners.

SIR THO[MAS] HOBBY. Would have us send to Mr. Attorney to know what warrant he had from the Earl of Dorset whereby to signify the Kings pleasure for release of these papists.

SIR W[ILLIAM] BOWLSTROD. Desires that Mr. Sec[retary] Coke may declare whether the Earl of Dorset were acquainted with the relation of this practise of the Jesuitts colledge at Clerkenwell which was now delivered by Mr. Sec[retary] Coke^d and prepared by him for the Councill Boarde.

MR. SEC[RETARY] COKE saith that the issue against these papists att the Sessions was whether they were preists or not, but the issue should have bene for unlawfull erecting of a society subject to a forrayne power.

MR. SELDEN. That if the issue had bene whether these men had bene Jesuitts the prooffe was pregnant that they were Jesuitts, and the statute is aswell against Jesuitts as preists: would have us to examyne

¹ Above *James* is written and crossed out *keeper* and *Clerk of*. James was the keeper of Newgate. See True Relation (p. 74).

² *it was done by* crossed out and *he had a* substituted.

^b The testimony was delivered by Sir Daniel Norton. Grosvenor (p. 207).

^c Upon Selden's motion. True Relation (p. 74).

^d Secretary Coke had just finished his report. Grosvenor (p. 209).

what was the reason the indictment and issue was so grosly diverted, and by whome, for this way taken for their triall was a direct way to cleare them.

MR. CORITON. That there are some Bishopps of the privy Councell and it is strange to see that they were never stirred with such an infallible plott against the true Religion. He would have us see by examinacion how Mr. Attorney and the Earl of Dorset can come of[f] from this. And that Mr. Long examined why he proceeded noe better in it.

SIR FRA[NCIS] SEYMOUR. The King said if Religion were soe out of forme he wanted power or was ill councelled, the power of a King we know is great, but when it is put into the hands of such Ministers as abuse it, and thereby his Majestie and the kingdome: formerly letters were wont to be written by Mr. Attorney for stay of proceedings against Recusants for this time, but now such Comands come that there shalbe noe further proceeding till his Majesties pleasure be further knowne, which is in effect that there shalbe noe further proceedings against them. He believes Mr. Attorney hath failed in his judgment if not in his affecion, which he alsoe doubteth now by this and other proceedings in like businesses.

SIR JO[HN] ELLIOTT. That we see in this busines too much officiatted service in some great persons to prevent the execucion of lawes and to pursue them for our ruine; that the great Lord of Dorset is the man that interposeth with the Attorney, and he would have that sought out and he believes wee shall find his hands too deeply engaged in this busines, for he findeth his hand in other businesses of the like nature for pardoning offenders against Religion.

SIR H[ENRY] MARTIN and SIR JO[HN] ELLIOTT are to speak with Mr. Recorder and to seke from him by what warrant the stay of execucion of Moore the preist and any thing else concerning this busines. And that they shall see the warrant sent by the King to the Lord chief Justice by which the priest was reprimed.

[blank]* - Would have us see the Bonds taken for the apparence of these papists and if there be good bonds taken for the same then it will somewhat excuse the fault and we may finde out the parties: Mr. Attorney ought alsoe to have had a care to have inquired out the land mencioned to be by them bought: and if these papers may be recovered then may we learn out their benefactors; he desireth therfore that these things may be inquired into.

The Clerck of Newgate. That the said papists entred into 200£ bond a piece, and the bonds are with Mr. Attorney: one Fenweck was one of the sureties.

Resolved that Mr. Attorney shalbe sent unto to know whether he received from the Councell Board order to prosecute the busines against

* Sir Nathaniel Rich. True Relation (p. 78).

these papists, why he did not doe soe, or what instructions he gave Mr. Long to that effect; by what warrant he received bonds of these parties, who are the sureties and [to] see the bonds: why since they were not baylable by law he did not soe acquaint his Majestie first therewith: what the sureties are, and to see the bonds. Why he did indite them for preists and not for Jesuitts nor for another misdemeanor: that the names of the sureties, and to know what knowledge Mr. Attorney had of their sufficiency. And why he did take noe course to finde out their land and benefactors. And why he did not bind them over to the Sessions. Whether he did peruse the papers sert by Mr. Sec[retary] Coke: and all things incident therto.

Mr. Long the Justice of peace examined saith, that he had directions from Mr. Attorney to proceede by indictment against 3 of those papists as preists, and against thother uppon a premunire: he read the papers of examinacion: that it is beyond his knowledge that Jesuitts are traitors as well as preists. That when att the tryall he tould the Judges that he had papers and examinacions that would declare what they were, and he was tould by Judge Richardson that unlesse he could say something to the issue whether preist or not preist it was but by words and would be to noe purpose.

A subcommittee apointed to examyne further Mr. Long and Crosse concerning this busines.

16 FEBR. 1628

Pet[ition] against Sir H[enry] Martin that one Browne did a little before his death use some wordes tending to a nuncupative, will get Sir H[enry] Martin granted an Administration, and allotted 6000£ for pious uses, and kept a great parte thereof for his owne privatt end.

This pet[ition] was forborne to be comitted to the Committee of Courts of Justice till Sir H[enry] Martin were hard being a member of this house.

Pet[ition] against one Coale against the cutting of the river of Medway, which uppon report of a Bill (which was comitted by this hquse att second reading) was delivered in this house to tend to a Monopolie.

This petition is referred to the Committee of greevances.

SIR H[ENRY] MARTIN. Concerning the petition exhibited against him, that Mr. Browne, di[e]d as it was conceived intestate, thereuppon att his intreaty the Lord vic[ount] Cambden who was sometime Master to Browne, the Chamberlyne of London, and one Mr. Crosshaw: att the kindreds request he did in their presence settle a distribution of his goods, and one Gardner said that the deceased a little before his death did say he was a dead man and that he would give 14000£ to one Browne

his prentice and kinsman and 16000£ to the rest of his kindred and pious uses: the kindred did desire the rather such a distribution for that there was an order or judgment in the Comon pleas, that an administrator was to have the overplus of the intestates estate debts being paid. He made one Mr. Tho[mas] Gardner of the Temple Administrator, of the 16000£ given for the kindred he distributed 10000£ for the kindred and 6000£ for pious uses whereof 3500£ he hath bestowed as by an account in the prerogative Court by which he lost himself 25s: the rest of the 6000£ if there be any more come in is in the said Administrators hands who was to get it rpp from Italy and out of debts.

This pet[ition] against Sir H[enry] Martin att his entreaty is referred to the Committee of Courts of Justice.

Att [blank]^a

Pet[ition] of W[illia]m Boldstreete against one Conquest an arch-papist [illegible] [blank] Conquest and [blank]

This pet[ition] being directed to the lower house of parliament was not read because it was conceived derogatory to the house.

SIR H[ENRY] MARTIN, reports from Mr. Recorder that he did give noe order for stay of the execucion of Edw[ard] Moore the preist: and the Clerck of Newgate did acknowledge his error in misinforming the house: that it was by the Recorders order, and that it was done by order from the lord Cheif Justice and his lordshipp saith he did it by expresse and immediate Comand from the Kings owne mouth, and that for the rest he did reprove one Smith by a signification of the Kings pleasure, and that if he had not received the comand for reprove of the said Moore from the Kings owne mouth he would not have done it.

MR. CHA[NC]ELLOR OF THE DUTCHY. That there is a generall declaracion of the Kings pleasure in the Star Chamber made in Q[ueen] Eliz[abeth's] tyme and since had bene revived in the late Kings and this Kings tyme that there should be proceeded against to condempnacion, and that unlesse there were other order from his Majestie, that they should be sent to the Castle of Wisbidge,^b which was thought the best way to bring them to our Religion.

SIR RO[BERT] PHILLIPPS. That since this preist Moore was a rec[usant] tha. was not of an ordinary offence for seeking to plant a colledge of Jesuitts here amongst us, the lord Ch[ief] Justice did not acquaint the King that his offence was of a highe nature; and for this was too blame and ought to answere it.

SIR JO[HN] STANHOPP. When Kings call parliaments they doe offer themselves to the Councells and inquisition of parliaments: would have a Remonstrance made to shew how the Kings mercy is abused.

^a "Grand Committee for Religion." Grosvenor (p. 213).

^b Wisbech.

SIR FR[ANCIS] SEYMOUR. Reporteth from the Sub Committee that Mr. Attorney by his letters to Mr. Justice Long did direct to proceede against the three of those that were taken att Clerckenwell vizt. Moore, Parre and Weeden as preists and not otherwise, and to have the oath of Allegiance tendered to the rest, which if they refused then they should [have] proceeded withall according to law and soe leave them to the Kings mercy. He had delivered the order of the Board to prosecute the said delinquents; but he could not have leave from the King to deliver either the order for release of those Jesuitts uppon Bond, or the lands which he took for the same. He tooke care and gave warrant to the Treasurer and Remembrancer of the Exchequer to intitle the King to the goods of those parties and a Commission of inquiry was to that purpose and is returned whereby the King is intitled to their goods. For the sureties he conceaveth that some of them are house-keepers in Towne and referreth himself to the bonds: he did not conceive the difference betweene Jesuitts and Preists:

The order from the Councill Boarde concerning the Recusants att Clerkenwell that they shalbe sent to Newgate of whome diverse were Jesuitts that such of them as are not convict and condempned shall proceede against them till they be convicted and then they shalbe all sent to the Castle of Wisbidge according to the proclamacion lately published; and to take care to intytle the King for their goods.

Mr. Attorneys letter to Mr. Justice Long is to proceede against the said three of the said recusantes as preists and not otherwise, and against the rest for the oath of allegiance.

MR. SELDEN. Reporteth from a Subcommittee sent to Long that Mr. Justice Long sent Crosse to the Attorney to sett downe in wrighting how he would have him proceede against the said Recusants and thereuppon received the letter from Mr. Attorney. That he the said Mr. Long did acquaint the lord ch[ief] Justice of the Kings Bench before he sate that he hath papers that would proove the said Recusants preist or Jesuitts; and that he tould att the Courts the Judges sitting that he [had] diverse papers that would proove them to be preists, and produced the testimony of Latham, he tould the bench that those papers would make it appeare that it was *domus probacionis* and that it was a colledge of Jesuitts; and the lord Richardson said that they were there to doe right to all men of what condition soever, and they were now on an issue; and he being asked by Richardson whether he had any other matter, and then he said he had papers that would as he conceived would give good satisfacion to the Jury that they were preists, and that in the house where they were taken there were Copes and vestments of preists; Richardson said that matter was to noe purpose, and that the issue was preist or noe preist: that none of the papers were for all this read, but only that of Latham which casually fell to the ground. That he did beleive that the papers he had would

have proved them all preists, whereby it appeares he made noe distincion betweene a preist and a Jesuitt. And that he tould the Judges that if they would aske him any further question he would answere them but that he was not asked any further question.

MR. SEC[RETARY] COKE. That when these men were quitted uppon a Comission of inquiry to intytle the King to the goods there was a question made by the Comission how they could proceede to intytle the King to the goods since the parties were acquitted by a former Jury, and thereuppon Mr. Long procured the papers and examinacions to be read by the Comission, and uppon reading of the same they found sufficyent matter to intytle the King to the said Recusants goods.

SIR NAT[HANIEL] RICH. That severall messages may be sent to the four Judges which were att the Sessions to know and receive their answere to the charge now laid on them in this busines.

SIR THO[MAS] FANSHAW. That it would be fitt to see the indictment drawne for tryall of these Recusants, and that it may be sent for to the Clerck of the Sessions.

SIR NAT[HANIEL] RICH. That because there is intimacion given that there was some clashing¹ and debate amongst the Judges att the Bench att the tryall of these preists: he would have us presently to send to the Judges to know whether there were not papers offered att the Sessions concerning these Recusants, if there were soe, then why they were not read.

Resolved that a message shalbe presently sent to the Judges severally to know of them whether att the [ar]raignment of the 3 preists Mr. Long did not offer further evidence to be read concerning the said Recusants, if the same were not read then why it was not.

There are fifteen members to be sent three to every Judge, there being in all five Judges vizt. the two cheif Justices, Whitlock, Crooke, and Jones.

17^o FEBR. 1628

Att the Comittee of Religion.*

SIR THO[MAS] HOBBY. That Ch[ief] Justice Hide saith he never heard of any such papers or evidence as Mr. Long saith he offered att the Sessions against the Jesuitts.

MR. WANSFORD. Reporteth from the Lord Ch[ief] Justice Richardson that he is not a Justice of peace of Middlesex but was there only as a Comissioner of Oyer and Terminer, that he heard of papers that Mr. Long held but he did neither read nor presse to have them read, nor till Satterday last he never heard what was in those papers which Mr. Long had concern-

¹ The word *disagreeing* has been crossed out and *clashing* substituted.

ing this business, and stood as far as I could from Mr. Long as he could not well hear what he said at the Sessions.

THE TENDRILL BARRISTER. That Mr. Justice Jones said that there were some papers offered by Mr. Long to be read but why they were not read or rejected he knoweth not for being not well he did not observe the passages of the Sessions.

ANSWERS OF MR. JUSTICE WHITLOCK.* That there were no evidence or papers read after his coming to the Sessions.

ANSWERS OF MR. JUSTICE CROKER.† That he came late to the Sessions and no evidence or papers were read or offered to be read after his coming.

KEOPER OF THE NEW PRISON‡ showed a warrant from the Council Board for discharge of Joseph Unthank, he having entered into bond there with two sureties for his appearance at the Bar.

MR. CAYTON§ (or was) DERRICK. Being desired to deliver his knowledge concerning this parties release, with that for this he knoweth nothing of it, nor if he did would he declare or discover matter of Council; but many things pass at the Council Board which he cannot remember.

MR. FALCONER|| DERRICK. Said that being at the Sessions he doth not remember that any papers or evidence were offered there by Justice Long.

MR. SARGENT. That for his parts he was at the Sessions but farther from Justice Long than Judge Richardson, and he will not undertake to leave there that his knowledge he knoweth that Mr. Long may defame who were next him at the Sessions that heard him offer the papers and can justify the truth of the information he hath given here against the Judges.

SIR D'ARCY|| DERRICK. Would have the Jury examined to know whether they heard of any papers offered by Justice Long as evidence against the Jewess.

Resolved that Mr. Long shalbe here on Thursday morning.

Resolved that letters shalbe sent for Certificates to be sent unto us of all *Residents* are in all the out parishes of London, and in the City of London, Westminster, in the Innes of Court, and that to extend aswell to lodgers in the Innes of Court, in the Innes of Chancery, in the Colledge of phisicians, doctors Com[mon]s or what Civillians, and that their names, qualities and places of dwelling bee Certified, by what licences they are come out of their Country, for what tyme they have licence to

* Given by Sir Miles Fleetwood. Grosvenor (p. 218).

† Given by Sir William Constable. Grosvenor (p. 219).

‡ Brian Williams. Grosvenor (p. 219).

§ Darcy's statement was in answer to Rich's suggestion that Darcy, who was there, should be asked what he had heard. Grosvenor (p. 219).

ing this busines, and stood soe farre off[f] from Mr. Long as he could not well heare what he said att the Sessions.

SIR THO[MAS] BARRINGTON. That Mr. Justice Jones [said] that there were some papers offered by Mr. Long to be read but why they were not read or rejected he knoweth not for being not well he did not observe the passages of the Sessiones.

Answer of Mr. Justice Whitlocke.^b That there were noe evidence or papers read after his coming to the Sessions.

Answer of Mr. Justice Crooke.* That he came late to the Sessions and noe evidence or papers were read or offered to be read after his coming.

Keeper of the New prison^d sheweth a warrant from the Councell Boarde for discharge of Joseph Underhill, he having entered into bond there with two sureties for his appearance att the Board.

MR. CHA[NCELLOR OF THE] DUTCHY. Being desired to deliver his knowledge concerning this parties release, saith that for this he knoweth nothing of it, nor if he did would he declare or discover matter of Councell; but many thinges passe att the Councell Boarde which he cannot remember.

SIR FR[ANCIS] DARCY. Saith* that being att the Sessions he doth not remember that any papers or evidence were offered there by Justice Long.

MR. SELDEN. That for his parte he was att the Sessions but farther from Justice Long then Judge Richardson, and he will not undertake to heare better than his lordshipp: he moveth that Mr. Long may declare who were next him att the Sessions that heard him offer the papers and can justify the truth of the informacion he hath given here against the Judges.

SIR D[UDLEY] DIGGS. Would have the Jury examined to know whether they heard of any papers offered by Justice Long as evidence against the Jesuitts.

Resolved that Mr. Long shalbe here on Thursday morning.

Resolved that letters shalbe sent for Certificates to be sent unto us of all Recusants are in all the out parishes of London, and in the Citty of London, Westminster, in the Innes of Court, and that to extend aswell to lodgers in the Innes of Court, in the Innes of Chancery, in the Colledge of phisicians, doctors Com[mon]s or what Civillians, and that their names, qualties and places of dwelling bee Certified, by what licences they are come out of their Country, for what tyme they have licence to

^b Given by Sir Miles Fleetwood. Grosvenor (p. 218).

* Given by Sir William Constable. Grosvenor (p. 219).

^d Brian William. Grosvenor (p. 219).

* Darcy's statement was in answer to Rich's suggestion that Darcy, who was there, should be asked what he had heard. Grosvenor (p. 219).

be absent and for what cause; for Certificate what preists and Jesuitts are in any prison in or about this Towne. For Certificates of papists in the Court is forborne for present. And if there be any Recusants in the Innes of Court why then are they not expelled.[†]

SIR JO[HN] ELLIOTT. There is some *Malus genius* some ill angell that walks betweene us and the King and State, for we see the Kings Care and the Councell Boardes, to have the laws put in execucion against Recusants.

Keeper of the New prison.

He hath now in his custody one Palmer one yeare, Coles two yeares, Townsend two, Walgrave two, that St. Johns being sick was by order of the board delivered to Dr. Catiman a phisicion: they were comitted by the highe Comission: that they goe abroade some tymes, that they have had more libertie of late then heretofore, and that they goe abroade now for releife, for they say heretofore they were maynteyned.

Coale hath confessed to be a preist and hath a pardon, Palmer is a friar and preist: Townsend and Waldgrave are suspected: there is very little restrant to them: he saith he letts them goe abroade without warrant, but not till the afternoone or after they have drunke or eaten: they were only examined and soe comitted by the highe Comission: that they live in great disorderly manner and like libertines drinking, which he conceaveth is the cause that none comes to [*illegible*].

19^o FEBR. 1628

Mr. Dawes att the Barr saith that he tooke Mr. Rolles his goods by vertue of a Comission under the great Seale dat. 13^o Martii 3^o Caroli and other orders from the Lords,^{*} that he never did heare that a parliament mans goods was free, but only for their persons: he did not acquaint the Lords of the Councell till the 20th of Jan. that Rolles did demaund the priviledge of parliament.

MR. CHA[NCELLOR OF THE] DUTCHY, saith that the King and Lords did take notice that Mr. Rolles was a parliament man, but those that are officers of the Kings revenue he believeth did never till this parliament heare that a parliament man should have his goods priviledged against the King, and he is not yet satisfyed that he ought.

Mr. Dawes att the barr examined saith, that he did take Mr. Rolles goods for such duties as were paid in King James his tyme; and being

[†] This resolution was the result of a series of animated speeches testifying to the prevalence of Roman recusants. Grosvenor (p. 219-20).

FEBRUARY 19.

^{*} Nicholas is not clear here. Dawes took the goods by a lease dated "13 Martii 3 Caroli" issued by virtue of a Commission under the great Seal dated 26 July 2 Caroli.

demanded whether it was for tonage and poundage saith that he is by the King comanded not to make any other exposition of the duties for which he received the said goods then that it was for the duties paid in King James his tyme: he was noe farmer or lessee of those duties for the last yeare, but only the collector of the Kings Customes, and had interest only as a 32th parte or share of the dutyes; he staid the goods not for any Interest of his owne but only as the Kings officer, and for the Kings behalf: that there are about 10 other merchants besides the 4 who have petitioned this house for restitution of their goods, and they have protested they will pay all duties and desire to have their names concealed from other merchants. And that the farmers for this yeare are only lessees uppon account, and have noe shares because they depend on the Kings grace to reward them for their paynes, wherein¹ they thought fitt not to have any shares.

Mr. Carmarthen att the barr.

That he tooke Mr. Rolles his goods for such duties as were paid in King James his tyme, he did know Rolles was a parliament man and he told him that he ought to be free in his person and for goods;² and thereuppon he tould him that if all the parliament house were contracted in his person he could not deliver his goods without further warrant. He doth not remember that he said he would not deliver his goods, but if he did say he would not, it was because he could not. That he did deliver some goods to Mr. Gilman, Chambers and others by a verball, privatt warrant brought him by Mr. Dawes from the Lord Treasurer who left it to the said officers discrecion.

SIR JO[HN] ELLIOTT. We are to consider first whether these parties Dawes and Carmarthen be delinquents both or one³ for having violated the priviledges of this house; and desires that this may be here debated of them severally.

MR. WAYNSFORD. Desires that though we shal distinguishe this busines from the consideracion of our priviledges, yet he wisheth we should forbear and decline att this tyme to consider of the delinquency of these men, and would have us first to take a course to establishe the merchants in possession of their goods.

MR. PYM. That it is noe diversion for a member of this house to wishe to forbear a debate question att this tyme: the liberties of this house are inferior to the liberties of the Kingdome, to determyne the previledge of this house is but a meane matter, and the mayne end is to establishe possession of the Subjects, and to take off[f] the Comissions

¹ for without crossed out and wherein written.

² After goods, the words that Mr. Roll crossed out.

³ After one Nicholas wrote and that they and crossed it out.

and Records and orders which are now against us, this is the mayne busines and the way to sweeten the busines with the King and to rectify ourselves is first to settle these things and then we may in good tyme proceede to vindicat our owne priviledges.

MR. SELDEN. He thinkes it is highe tyme for us now to proceede, and he doubts not but whatsoever we shall here doe with loyalty, will be pleasing to his Majestie and if there be any that doe misinterpret and misinforme our proceedings to the King the curse be uppon them: it was wont when there hath bene any point of previledge in question, that all businesses else have bene laid aside: he would have it put to question whether we should now proceede against these men as delinquents for breach of previledge.

SIR NAT[HANIEL] RICHE. We are to insist on this before we enter into debate, whether in the Kings Case a parliament man ought to have previledge of his goods, for we have not used when anything hath bene done by the Kings comand to the breach of the previledge of this house to flye on the officer that has put such Comands in question, but have by pet[ition] gone to the King and it hath ever succeeded well: he desireth the further consideracion of this, how we shal proceede in this busines (since the King gave his comand to seize their goodes) may be referred to a Committee.

SIR JO[HN] ELLIOTT. Place your libertie in what Sphere you will, if it be not to perserve the previledges of this house, for if we were not here to debate and right ourselves and the Kingdome in their liberties where had all our libertie bene att this day.

SIR D[UDLEY] DIGGS. We may defer this without any prejudice, for it was a question in the former parliament whether Sir Ed[ward] Coke being a Sherif should be kept away, and the debate of it was declined and deferred, and this is more then the previledge of the goods of a member as sure as the person of a man is to be preferred to his goodes.

SIR FR[ANCIS] SEYMOUR. If we finde not priviledge here we shal not finde it elsewhere, but he is doubtfull whether to take it into consideration now will not disadvantage us att this tyme.

MR. CHA[NCCELLOR OF THE] DUTCHY. Would have our wisdome to governe our libertie and not our libertie our wisdome: there is a finer roade and harbour to all our good ends if we take it. God forbid that it should be seene that the Kings comands should be put for delinquency, and when that is done *Actum est de Imperio*. Moveth to declyne the question for the present and to proceede with the breach of the libertie of the Subject. He seeth the wayes are open to all our good ends, if we take it aright.

SIR JO[HN] ELLIOT. He hath ever honored the Cha[ncellor] of the Dutchy and what he shall say is out of respect of the previledge of this

house: Mr. Cha[ncellor of the] Dutchy said we were making a question of bringing the Kings comand to delinquency: but the question is whether an act done on pretence of the Kings comand to the breach of the previledges be a delinquency or noe: he hath heard that the King cannot comand a thing which tends to the breach of parliament previledge: and the Cha[ncellor of the] Dutchy said that if we did goe about to bring the Kings comand for delinquency *Actum est de Imperio*: which if we should goe about were an act of the highest treason.

MR. CHA[NCELLOR OF THE] DUTCHY. Saith he had noe intencion to tax any member for anything he said to this point; he saith that if the Customers shall justifie themselves on the Kings Comand, and then be punished as delinquents for doing it, then the King seeing that issue of it, might thinke *Actum est de Imperio* that he should be noe more obeyed.

Resolved that this House shal now take into their consideracion the violacion⁴ of the previledge of this House by Mr. Dawes and Carmarthen.

Resolved that this busines of Dawes Carmarthen shalbe debated now of att a grand Committee: Mr. Herbert in Chayre.

It being late this Committee doth adjourne itself till too morrow morning, with order to Mr. Herbert to report to the house that this Committee is of opinion and desire that this House should too morrow morning att 9 a clock enter on this busines.⁵

20° FEBR. 1628

A pet[ition] exhibited complayning of a great injustice by the Lord Falkland Lord Deputy of Ireland against one Bushe* who (as it is alleaged) did unjustly cause him to be prosecuted to death thereby to get his estate. This is referred to the Committee for Courts of Justice.

Sir John Wolstenholme is called into the barr and examined and answereath to the effect that Dawes and Carmarthen. And the case of Sir Jo[hn] Wolstenholme is alsoe referred to this grand Committee.

Mr. Speaker leaving the Chaire to Mr. Herbert att a grand Committee of the whole house according to yesterdays resolucion.

MR. SELDEN. He conceaves the Case to be that all these 3 Customers have taken away Mr. Rolles his goods, yet their cases are all severall. Sir Jo[hn] Wolstenholmes case is that he when there was noe Subsidy of Tonnage and poundage by Act of parliament took knowingly a lease

⁴ point of delinquency crossed out and violacion substituted.

⁵ and noe other till it be determynd crossed out.

thereof for his own benefitt: that that Comission only to take and levy those duties without power to seize: and yet within 15 dayes before the sitting of the house he tooke the goods of a member of this house, and that he to keepe these goods for his owne benefitt doth take an oath in the Exchequer that he had noe interest in the same but only for his Majesties use.

Mr. Dawes case is that he had a 32th parte in the Sub[sidy] of ton[nage] and pound[age]: and by vertue of this Comission and for his private interest tooke away Mr. Rolles his goods, and yet doth sweare that he did it not for any interest of his owne, and the Comission by which he did seize the same doth not give him any power to seize but only to take and levy.

Mr. Carmarthens Case, that he did by vertue of the said Comission seize the said goods with this¹ only difference that he said to Mr. Rolles a member of this house that if all the parliament were contracted in him he would not deliver his goods.

SIR JO[HN] ELLIOTT moveth that these severall cases and persons may be singled and that we may only speake to that point as it shalbe agreed on.

The great Comission^b is dated 20° Dec. 3° *Caroli*^c that were by Comission from the King and orders of the Exchequer the Sub[sidy] of tonnage and poundage till the parliament. He doth by this lease the same to Sir Jo[hn] Wolstenholme, Sir Pa. Pindar, Cha[rles] Coquin, Abram Jacob.

Sir Jo[hn] Wolstenholme saith that there is a Contract in the lease or Comission above mencioned dat[ed] 20° Dec. 3° *Caroli*, by which the said farmers are made accountable vizt that if they loose by it the King will bear the losse.²

MR. HARRISON of this house being an officer under the Farmers saith that they have a warrant under the Kings hand that if they loose by the said lease the King will beare it allowing them 5500£ per annum for their paynes and if they gayne by it shal goe away with it.

MR. GLANVILL conceaves the interest of the benefitt of the grant of tonnage and poundage is in the Farmers,³ for if it come to lesse they were to have satisfacion and recompence the King being to beare the losse, and if it come to more they were to keepe.

MR. NOYE, would have some appointed by us to peruse the letters pattents, the covenants in it and the condicions thereof aswell of that

¹ as *Dawes his but only* crossed out.

² if *he gayne and shall have* crossed out.

³ and *not in the King* crossed out.

^b This was read on Wild's motion. Grosvenor (p. 226). For the text of the Commission see *True Relation* (p. 86).

^c This is the date of the lease which followed.

parte which makes for them as against them, for they may otherwise say the condicions were broken and the interest in the King: and to abstract the whole busines and to agree on the course and sett it downe in wrighting, that all may see how we proceede.

MR. NOYE and MR. SELDEN are appointed to goe together and with the Farmers to⁴ serch whether there be any Covenant in the said lease whereby the Farmers are accountable to the King: for if it appeare they are accountable to the King, there will be some reason to thinke they did for the Kings interest, but otherwise it will be conceived they did [it] only for their owne interest.

MR. PYM, saith that as he remembereth the affidavit in the Exchequer, is that the said Wolstenholme, Dawes, and Carmarthen did not take the said goods for any interest of their owne or pretence of interest of their own but only for the Kings use; it may be that there is some covenant or condicion in the lease that the profitt of tonnage etc. is to be collected only for the King, and afterwards it is to be distributed among the Farmers to reimburse the money they have advanced; and that they seized the same as Officers not as Farmers.

MR. DEBRIDGE. That all seizures use to be made only for the King, and must be soe judged and not for the Farmers, albeit the profits thereof by contract goeth to the Farmers, and therefore he beleeveth that the goods of Mr. Rolles were soe seized by the said Officers of the Custome.

MR. NOYE. That said letters pattents dat[ed] 20^o Dec. 3^o Caroli is a demise^d for a certeyne tyme and for a certeyne rent, proviso^e if the rent shalbe behinde then it shalbe resede, and there are diverse Condictions in the same: half the forfeitures are granted by this lease to the Farmers: they have not perused it wholly but for what they have seene in it or Sir Jo[h]n Wolstenholme can shew them there is noe clause to shew that the said Farmers are accountants to the King: but they have not perused the whole only they find that there is a relacion to a wrighting under the Kings signe Mannuall but what that is they know not.

Sir Jo[h]n Wolstenholme examined^e saith he is Collector of the Customes outward, and did by the Kings especiall Command assist the officers who were to collect the inwarde Customs. That there is a Covenant under the Signe Manuall: that he and the rest should be noe loosers by the farme if it should fall short: being asked why he being a farmer did sweare he did not seize the goods of Rolles for any interest of his owne, for he went downe to seize the said goods as an officer of the Kings, not as a farmer, for if he had not bene an officer he would not have gone noe

⁴ *advise and* crossed out.

^d *Demise* is defined as a conveyance or transfer of an estate by will or lease. *New English Dictionary*.

^e On Kirton's motion. Grosvenor (p. 227).

more then the rest of the farmers but did this by especial comand from the King to assist the rest of the officers of the Customes and if he had not bene an officer who had received the Kings Comand as an officer to assist the rest of the Officers he would not have gone with them to seize the said goods noe more then Sir P. Pindar and the rest of the Farmers did. That Mr. Rolles att the tyme of the seizure did not tell him nor any other as he heard that he was a parliament man. But afterwards he did when the goods were in the Kings stores.

Mr. Dawes and Mr. Carmarthen examined say that they doe not remember that Rolles did demand his previledge of parliament but only in the Custome house after the goods were in the Kings store.

Mr. Rolles affirmeth he did demand his previledge of them before his goods were in the Kings store and whiles they were att the water side.

The Comission^t dat[ed] 20^o Dec. 3^o Caroli is by order delivered to the said 3 officers and Farmers of the Customes to peruse it to the end that if they can finde out the Covenant whereby it may appeare that the Farmers are accountants to the King or any other matter which may make for them they may bring the same in too morrow morning. And they are alsoe enjoyned to bring in the Covenant under the Kings signe Manuall.

Mr. Speaker in the Chayre.

Resolved that Mr. Rolles shal have warrant to produce such wittnesses as he shal name to Mr. Herbert. And that the grand Committee for this busines of the Customers shall contynue too morrow morning all other businesses sett aparte.

21^o FEBR. 1628

Pet[ition] of Tho[mas] Symond merchant that albeit he had given security for payment of all Customes and impositions, yet till he had paid the 2s-6d impositions on currants payable to the Lord of Arrundell he could not have his goods.

SIR ROB[ERT] PYE: Saith that the Earl of Arrundell hath surrendered his pattent and soe hath noe interest in this impositcion att present.

This petition is referred to the Committee for merchants.

Resolved that all the members of this house that have any letters in their hands that were written in favor of Recusants to stay proceedings against them shal deliver in their letters to the Subcommittee for Religion and alsoe that all other Subsubcommittees for Religion (as that of the printers and others) shal bring in an account of their labors to the Subcommittee that is appointed to prepare the busines of Religion. And

^t i.e. lease.

that this Committee shall take any course for discovering of the severall businesses before them.

Mr. Speaker leaveth the Chair and Mr. Herbert is in it att a Grand Committee for the busines of the Customers.

MR. ROLLES saith that he hath brought wittnesses to prove that he did demand previledge of parliament for his goods of the officers of the Custome house when they seized and tooke them away.

Spedman Potts merchant examined saith that he was att the water side about the 30th of 8ber [October] when 2 packs of grograins belonging to Mr. Rolles were seized by Mr. Dawes, Mr. Carmarthen, (but Sir Jo[h]n Wolstenholme was not [blank] that then Mr. Rolles did tell them that he was a parliament man [blank] and that Mr. Dawes said albeit you are a parliament man, I conceive you are to pay the Kings duties.

Nath[aniel] Downes examine [blank] he was present the 30th of 8ber last when Mr. Rolles [blank] have his goods and laid hands on them, and tould them att [blank] that he was a parliament man and ought to have his person at [blank] goods free: Sir Jo[h]n Wolstenholme was not att first present [blank] the demand of previledge of parliament was made, but he came before [blank] the goods were carryed away.

SIR JO[H]N ELLIOT, saith that [blank] affirmation of a member of this house is sufficyent without further [blank] and therefore since Mr. Rolles affirmeth that Carmarthen said [blank] the house were contracted in his person he would not deliver his goods, he desires that we may not examine wittnesses to proove the truth thereof. least by such an example we introduce a kinde of necessity to have wittnesses to proove the affirmation of a member of this house.

The wrighting under the Signe Manuall dated 3^o *Caroli* doth assure the Farmers that where on the lease that was made by the Customers etc. there was the rent of 15000£ per annum reserved, that they shalbe noe losers by it, and this gracious promise was given because it was conceived the warres would abate the Customes.

MR. LITTLETON, saith it will be fitt to know what the lawe is, whether a member of this house ought to have his previledge as a parliament man against the King. A parliament is prorogued to the 20th of 8ber a member of the house hath his goods seized the 30th of 8ber: wherein first to consider he ought of his priviledge in generall, 2ly whether in a prorogacion, 3ly whether against the King. In all which thus advised he is of opinion that a parliament [man] ought to have his previledge; a parliament man is employed for busines of the Kingdome, and therefore all privat things ought to give place to publique: there is noe doubt but his person is previledged, and it is the same for his goods, for if his livelihood be taken away [blank]

18 Ed. 3 in a citation of the Earl of [blank]. 18 E. 1, that a man sued to have leave to distreyne from Rent in parliament tyme, and the Answer was *q[uo]d in honestum videtur*, but he might after distreyne for the arrearages. 17 E. 4 parliament Roll Art 35, that where tyme out of tyme it hath bene that a parliament man his person and goods were freed. 5 H. 4 parliament Roll Num. 78, in Case of Kedar in print, this Kedar was an esquire to the knight of the Shire of Somerset, did desire that if any did kill a parliament man or his servant it should be treason, if any did mayne one he should loose his hand, if beate him he should be imprisoned a yeare and a day, and uppon this it was referred to be punished: 8° and 31° H. 6, Sir Tho[mas] Thorpe Speaker of parliament was arrested, and the Comons prayed their Speaker, and the Judges did resolve that he ought to be released: in 12 E. 4 in the Case of the servant the Earl of Essex, Lord Treasurer, and then resolved that there was a Custome that he should not be impleaded. The Lord Cheif Richardson being a parliament man would not joyne in Comission: we have 16 dayes coming and receding before and after the parliament, and the proclamacion for proroging the parliament did enjoyne those that were about the Towne to attend to prorogue the parliament: the greatest service in parliament is for the King for him in particular, and for the Kingdome whereof he is the head: all suytes in Star Chamber are the Kings Suytes and it is every dayes practice to grant previledge in parliament to stay suytes in Star Chamber: in the case of Mr. Herbert and Sir H. Stanhope* it was resolved that in all cases but of felony and treason a man might have his previledge in parliament. And soe thus advised he is of opinion that a parliament man ought to have his previledge for his goods against the King.

SIR ROB[ERT] PHILLIPPS: 3° Jac. during a prorogacion a seizure was made by a writt out of the Exchequer to the Sherif of Hampshire on one Kingswill a member of this house, it was resolved and order and Comand given to the said Sherif to restore the said goods soe seized. It was resolved 24° Eliz. in the Case of one Martin that the tyme of previledge after and before parliament was convenient tyme of previledge.

MR. CHA[NC]ELLOR OF THE] DUTCHY, desires that the lawyers may in this case speake only Law, and not argue according to reason, and that for the last parte of this case that is that by Lawe the previledge of parliament doth holde against the King when it concernes the Kings Revenue.

FEBRUARY 21.

* Hatsell, 1:150-51; Prynne, 4:714-16.

SIR FR[ANCIS] SEYMOUR. That he conceaveth that in this case of Rolles the King hath [not] any interest but that the Farmers have done it for their owne interest.

MR. GLANVILL. That the King had a charge of rent, which is by record and in such Case there is noe Replevin lyeth in such Cases against the King, for that it is an adjudged Case and on Record in the Exchequer, Dutchy or else where it appeares, the same is the Kings: We take this not to be the Kings Case, for the King disclaymes any right in it, and yet these men have taken it. If the King make a grant of that whereto he hath noe right, the partie that takes it is a trespasser: for that the grant was voide because the King had noe right, and an accion of tres-passe lyeth against them. And there being noe right in the King to these duties as they are called, wee are to proceede against them as Trespassers.

SEC[RETARY] COKE. We are not now to proceede on the right of the King or Subject att this present, but only whether Rolles as a parliament man ought to have previledge against the King supposing that he having possession of these goods he hath a right to them. And the King hath a previledge of parliament aswell as we, and having possession of these goods whether the King ought not to have previledge to keepe the same.

SIR JO[HN] STRANGWISHE. That we heare the King hath disclaymed his right to the Customes, and we must not then make an imaginary Case to suppose the King hath a right, but we are to proceede with the Case of Mr. Rolles as it now standeth before us whether he ought to have previledge for his goods or not.^b

MR. BANKES. Previledge of parliament is as a hedge about our Municipall lawes and if that be broken down we shall then have our other lawes broken: in this Case of Mr. Rolles we are to proceede that there is noe interest of the Kings right or duties now in question, and that it is apparent by the Kings declaracion this parliament that he did not clayme any right in the Subsidy of Tonage and poundage till it were given by act of parliament. And there is in this Case noe interest of the Kings Comand; for the King hath given direcions for taking these Somes of money, first by pr[ivy] Seale, then by a Comission, and 3ly by a lease or demise, but in these generall Comands there is noe mencion that it shall extend to a previledged man, and it is apparent that a parliament man hath and ought to have previledge of parliament before and after parliament; and it is manifest that a generall comand doth not extend to a previledge[d] partie.

MR. SOLLICITOUR. In 38 H. 8 in the Co[uncil] Dayes Booke a man that is in examinacion shall during the parliament have his priviledge, but after the parliament he may be a prisoner againe.^c

^b See True Relation (p. 90) for the remainder of Strangeway's speech: "I conceive it is plain" . . .

^c Cf. True Relation (p. 90).

MR. SELDEN. Priviledge of parliament is to keepe a parliament man free from any disturbance that he may freely attend the busines of parliament and the Kingdome, and there is noe doubt but it is as great a disturbance for a man to have his goods seized as his person arrested: the lords as they are lords have previledge for their persons, and if they have not previledge for their goods they have noe previledge att all.^d The Comission to the Farmers and officers is to take and levy, and this doth not give them any Comand or direccion to seize all a mans goods, but to take and levy a smaller proporcion: if the duties mencioned in the lease were due to the King then by that lease the interest was wholly in them, and if he had none then he hath none yet, and then they have done wrong and trespassed: he is assured that had the Case appeared to the Court of Exchequer as it doth to us they would not have done as they did: that not ma[teri]all whether there were right or not right to seize Rolles his goods but whether he being a parliament [man] ought to have them free from arrest etc. 31 H. 6 a parliament man ought to have previledge in all Cases, but for matter of suertie of peace, murder, felony or treason, and if a parliament man ought not to have previledge for his goods against the King it would then have bene excepted. The ground of previledge of parliament proceedes from our attendance in parliament.

SIR NAT[HANIEL] RICHE. That it was the last Sessions resolved in the upper house that the goods of a servant of a lord ought to have previledge of parliament.^e

SIR RO[BERT] PHILLIPPS, 18^o Eliz. it was resolved that the goods of a servant of Arthur Hall^f a member of this house were to have previledge of parliament and be free from all disturbance.

SIR D[UDLEY] DIGGS, conceaveth there hath bene nothing done by any of the Farmers as Farmers but only as the Kings officers, for where the Officers of the Customes doe leave, there the Farmers begin.

Resolved that a parliament man ought to have previledge for his goods and estate aswell as for their persons.

MR. CHA[NCELLOR OF THE] DUTCHY. That he would have us resolve first whether previledge of parliament be against the King or noe, for by virtue of these Comissions the Customers have taken these goods of Rolles, and if the goods be restored too morrow the Farmers care not for they will be secured harmlesse on the King: and the warrants from the Lords that were to seize the goods of Rolles were directed to the Officers of the Customes; and these goods were stayed not for Tonnage and poundage only, but for other duties which he will not name, and

^d Cf. True Relation (p. 90).

^e Cf. Grosvenor (p. 232).

^f The Smalley Case. See C.J. 1:107, 109.

if a meane person had possession of goods soe duly he would keepe him in possession against the King and if the goods had bene delivered to Mr. Rolles [*Here there is a blank space in the MS.*]

MR. NOYE. It is resolved rightly that we ought to have previledge of goods: he never heard of a seizure for an impost nor did ever heare that in such a Case possession was kept by any Court from any man.

MR. ROLLES saith that his goods seized were grograins and Moheres, and there being noe imposition on Moheres, they were seized only for Tonnage and poundage.

SIR NAT[HANIEL] RICHE. Since there was noe authority from the King to seize, but in case of refusall to imprison, and that the officers have seized without direcions.

MR. CHA[NCELLOR OF THE] DUTCHY. That there was in August last a warrant from the King in this very case to seize the goods of Rolles, and he desires Mr. Dawes may be called to know whether there be any such warrant to seize the said goods or noe.

SIR JO[HN] ELLIOT. That he knoweth of noe such warrant, neither if there were should we proceede otherwise then to resolve that this Case Mr. Rolles ought to be previledged.

MR. GLANVILL. That if when these warrants shalbe brought in, and that there shalbe noe matter in them sufficyent to alter our opinion and that the consequence thereof be not well taken, he desireth notice may be taken who they are that introduce the same warrants.

Warrant^s under the Kings hand dat[ed] 15^o July 1628 whereby prohibition is given to the Farmers of Customes not to permitt any Currants to be landed unlesse they pay the 2s-2d as the 3s-4d.

Warrants from the Lords dat[ed] 21^o September 1628 to the Farmers and officers of Custome to seize the goods of such as refuse to pay the customes.

Another to authorise Dawes to keepe possession of the goods he hath seized for such goods seized and belonging to Chambers etc.

MR. CHA[NCELLOR OF THE] DUTCHY. That now he hath heard these warrants read can presse noe more then he hath alreddy.

Resolved on question: That the 30th of 8ber last and the 5th of January last and since were within the preveledge of parliament and that Mr. Rolles a member of this house ought to have his previledge of parliament for his goods seized 30th of 8ber and the 5th of January last and since.

This Comittee adjourned till 9 a'clock Munday morning.

* Cf. Grosvenor (p. 233).

23 FEBR. 1628

An Act against Corruptions in presentacions and Collegiatt elections: Comitted.

Resolved that the house shalbe called uppon Munday next.

Mr. Herbert in the Chaire att a grand Committee about the Customes.

SIR ROB[ERT] PHILLIPPS, 1. The delinquency of the Farmers. 2. The punishment of them if delinquents. 3. The way how to restore the member of this house to his goods, which are the points to be now considered of and first of the delinquency and then of the parties severall Cases.

SIR W[ILLIAM] CONSTABLE thinkes we should first consider how to possesse the member of this house of his goods.

MR. GLANVILL. The goods being now in the Kings storehouse it may proove difficult how to have them restored, but if we goe to punishe these delinquents first, they will be suters for restitution of the goods and therefore would have us proceede first for the delinquency of these persons.

SIR BEN[JAMIN] RIDER. It is comonly said that Comon wealthes are more stearne then Monarchies; we have reedly shewed our Justice in Comitting the sherif of London, lett us therefore leave now some place for mercy: a tender hand makes a happyer Crea[ture] then a rough, and leaves a lesse scare, I speake not for these men I speake for his sake whose Servants they are whose Comands they obeyed: when we have done all we can, he is afraide our punishment will be but *brutum fulmen*, and he doubts that when we have resolved of punishing we shall not have leave to punishe. We have proceeded fairely and farr in the matter of Religion, and he is afraide that rubb will be cast to divert us that we may not proceede farther.

MR. CHA[NCELLOR OF THE] DUTCHY. We all agree that there is a wound given, and there is oyle and vineger to put into it, if we put in oyle we may cure it, if vinegar he knowes not what may be the successe.

SIR JO[HN] ELLIOTT. He hath heard it here and elsewhere that we should take heede how we proceede in the delinquency of the Farmers least we fall on a rock and that there should be a breach of the parliament, and if his confidence of the Kings Justice had bene founded on a sand it had bene shaken, but it is better founded: and a curse may light on those that shall take occasion by this our due proceedings to make or prosecute a breach: he thinkes when we shal have judged the delinquency of these men they are able to make satisfaccion and it will be the right way to have the restitution of these goods.

MR. SEC[RETARY] COKE. That the King hath taken knowledge of the late debate of this house and to respect in taking to sever the act of the

Customers from any interest of his Majestie; who hath comanded him to signify that this concernes him in a highe degree of honour and justice and therefore would not have the truth then concealed and saith therefore that what those men have done they have done by his comand and by his speciall direcions and by the comand of his Concell that he will not have us proceede against them for that he conceaveth it doth highly concerne him in point of government which he doubteth not but this house will take into consideracion. And that this nation will not be drawne out of any collatterall meanes to doe what he conceaves dirfull.

SIR D[UDLEY] DIGGS. That if the King were rightly informed that the perticular of the stay of the goods of a member of this house is now the debate of us: and he would have us to lett the King know it.

SIR JO[HN] ELLIOTT. Would not have us single out any particulars when the whole is but for a case of previledge of this House and what the King hath ever used to give us. The Customers did not soe much insist on the Kings Comand, but did say they did it only by vertue of the warrants which they did deliver into the House: would have the Kings message reported to the House, and he doubts not but the King will come to right understanding of this busines by the meanes of the grand Councill of this House, and that we may att the House consider what is best to be done.

Mr. Speaker in Chaire.*

MR. HERBERT reporteth to the House that att the grand Committee, that a member of this House ought to have his previledge for his goods and estate: and that the 30th of 8ber last and 5th of January were within the previledge of this parliament.

That thus farre proceede Mr. Sec[retary] Coke did deliver a message from the King of great importance which the Committee did not take into consideration.

Resolved on question:

That a member of this house ought to have his previledge of his person and goods and that the 30th of 8ber last and the 5th of January last and all tymes since that day were within the previledge of parliament, and that Mr. Rolles a member of this house ought to have previledge for his goods seized on those dayes and since the 5 of January last.

MR. SEC[RETARY] COKE, repeateth the Kings Message which he did deliver the house.

SIR ROB[ERT] PHILLIPPS. The essentiall and fundamental liberties of this house is now before us, we are not now fitt for debate: in 12 *Jac.*

FEBRUARY 23.

* Sir Robert Pye had called attention to the fact that the King's message should be delivered to the House and not to the Committee. Grosvenor (p. 237).

on lesse occasion there was a feareful silence; moveth that we reste for present, and to morrow morning to consider what to doe, what course to take, and that in the meane tyme all businesses to cease.

SIR [JOHN] ELLIOTT: Doubts it is the feare that some great persons nere the King have that if these inconsiderable persones be punished, it will open their sins their faults, and that causeth this to fall on us.

GLANVILL saith he sees an overture by a new way now, if it be not prevented all will be brought to nought, it was wont to doe good offices for the fathers of the Kingdome: it is rudly voted that Mr. Rolles ought to have previledge for his goods, would have us adjourne till Wednesday.

CHA[RLES] PRICE: That he thinkes that not only the previledge of this house in question, but that the fate of the Kingdome is alsoe in the ballance: we have good officers and humble to his Majestie, and a gracious King to his people, but as if we were charmed wee understand not one another; he would not have us put it off longer then till too morrow least it be thought that we goe away like discontented:

MR. SEC[RETARY] COKE desires that Cha[rles] Price said the fate of the Kingdome was in ballance and desires he may explyne himself.

CHA[RLES] PRICE interpreteth himself that we sitt here as the body and the King is our head, that if any blow be given to the body the head will feele it, and if there be any violacion of the previledges of this house it will concerne the whole Kingdome.

SELDEN. There are in the Kings Message 2 questions of soe highe a Nature as the foundations of the liberties of this house are in question: that having alreddy proceeded soe farre in this busines of the Customers as they are apparently delinquents; and they all procure the Kings Comand for shelter is of a very great latitude and may extend very farre to our previledges. 2ly that any other Court in Westminster may and ought to proceede, whatsoever comandes is receaved, and we are in this point to consider our previledge to be noe lesse.

MR. CHA[NCCELLOR OF THE] DUTCHY. That we take this as a highe point of previledge, and his Majestie takes it as a highe point of a Soveragnety, and therefore would not have us thinke soe much of the previledge of this house as to neglect that of the Soveragnety.

Resolved that the house shalbe adjourned till Wensday and soe is adjourned accordingly.

25° FEBR. 1628

Mr. Speaker delivers a Message from the King that it is the Kings expresse Comaund that the house be adjourned till Munday morn-

ing next, and all busines att Comittees and proceedings in the meane tyme to cease.

2 MARTII 1628

Mr. Speaker saith the Kings expresse comand and pleasure be that this house be adjourned till too morrow sevensight this tyme and in the meane tyme all businesses to cease.

The house being unwilling to adjourne and the Speaker leaving the Chaire was forced into it again.^a

SIR J[OHN] ELLIOTT: He would not have the curse of this house to light on the Speaker for he never knew any person that hath bene censured by this house.

SIR J[OHN] ELIOT saith—

Those that joyne with the Bishoppes in prejudicing Religion and the Lord Treasurer with them not only acting of ill things but building on the foundation of the great Master of his preferment, the Duck of Buck[ingham] that his hand hath bene in soe abruptly breaking the last parliament: he is the head of the papists and Jesuits [*blank*] and the fear of Religion is by reason of his person; and the feare of pollicy alsoe, by exacting from merchants what is not due, by altering of the customs of this Kingdome: the pollicy of forreine partes is to overthrow our shipping; he doth invite strangers to drive our trade, and all our owne merchantes to trade in foreine bottomes: these things would have bene made apparant if tyme had bene for it; and he hopes to have tyme to doe it yet.

There is in this paper a protestacion against those persons that are innovaters of Religion, against those that are introducers of any new Costomes, and a protestacion against those that shall execute such Comands for Tonnage and poundage: and a protestacion against merchants, that if any merchant shall pay any such duties, that he as all the rest shalbe as capitall enemies of this State and if ever he serve againe in parliament he shal proceede against them as capitall enemies to the State.

MR. COKE.^b That they are not suspicions only but reale acts that makes us speake this of the Lord Treasurer. For he that shal seeke to aliغن or prejudice Religion is an Enemy to the State, he that seekes to weaken the forces and strength of the Kingdome is an enemy to the State and he that shal pay Tonnage and poundage or anything else that is not according to lawe, is an Enemy to the lawe and liberties of the Subject and Kingdome.

MARCH 2.

^a It is characteristic of Nicholas that he should compress the climax of this session into this matter of fact sentence.

^b Clement Coke. Cf. March Second Account (p. 256).

SIR JO[HN] ELLIOTT. That his intent was not to have these things voted against the Lord Treasurer but he feares the present interrupcion proceedes from the Lord Treasurer, but that in generall we should protest that he that shal counsell or act the taking of Tonnage and poundage, whosoever shall innovate the right of Religion and the Church, and that not to be now voted but when we shall meete againe: he would have them proceeded against as Capitall Enemies of the State: would have some of the privy Councell of this house to represent to the King our affection and proceedings.

MR. LITTLETON comes with a loyalty to lay downe his fortune att his Majesties feete, and yet not to forget his duty to the place for which he standeth yet he saith and protesteth in generall, that whosoever shall bring in an innovacion in Religion in the State or Customes is an enemy as before.

LONG saith that what Merchant shal pay any thing contrary for which there is noe law is an Enemy.

SIR ROB[ERT] PYE. Would not have us goe soe generally as to prohibite merchants to pay what they will voluntarily.

SELDEN, saith the body of the liberties of the parliament is now att Stake, concerning the putting the question, that the Speaker saith he dareth not put the declaracion to the question; and now if this be allowed we shal never have any question put for the future but will not speake how to proceede now with him: the King in the upper house by a publique Comand hath comanded the speaker to obey us and that may not be contradicted by a private: would since the Speaker refuseth have Sir Jo[hn] Elliott to the Chayre and put the question.

SIR JO[HN] ELLIOTT. That since he opened the paper he hath burnt it and therefore cannot have it againe to put it to the question.

The Serjant of the house is sent for by the King.

The house will not yet resolve that he shall goe: but since the declaracion is made would have us now adjourne.*

MR. HOLLIS doth say Sir Jo[hn] Elliot has not done well to burne the declaracion which was in paper: would have it voted that we should by a question resolve and declare that whosoever shal counsell, be an actor or minister to take the Tonnage and poundage without a lawe and whatsoever merchant shal pay it is alsoe by the vote of this house [to] be censured to be a capitall Enemy to this State.

SIR ROB[ERT] PHILLIPPS. That since the Lord Treasurer is named it will be his parte to cleere and free himself from suspicion and offence laid on him.

* This motion was made by Sir Dudley Diggs. Grosvenor (p. 243); March Second Account (p. 265).

MR. WANSFORD. That since we have named the Lord Treasurer would not have us put the question of Mr. Hollis and the rest, but if it had bene att first put in generall he should not have dissented.

SIR PET[ER] HEYMAN is sorry the Speaker is a Kentish man and for his name, and if we render not some example of this we shal anihilate the liberties and dignity of parliament.

Mr. Maxwell is come with a message from the King to the Speaker, yet not admitted.

MR. HOLLIS offereth a draught of what was delivered by Sir Jo[h]n Elliott as out of the paper of declaracion to this effect following:

1. whosoever shall introduce any new religion or favour Arminianisme, popery, or any other opinion contrary to the orthodox opinion of the Church of England.

2. that whosoever shall counsell, or be actor or Minister to receave the Tonnage and poundage untill passed by a lawe.

3. or whatsoever merchant shall pay the Tonnage and poundage whether voluntarily or otherwise till given by act of parliament; These shalbe held as Capitall Enemies to the Kingdome and the Liberties of the Subject.

Diverse members call to adjourne.

SIR NAT[HANIEL] RICHE. If Mr. Maxwell bring a Message to the Speaker in privat would have all us adjourne, if it be to the Speaker and house we must sitt.

SIR FR[ANCIS] SEYMOUR. That the question is now whether we shal adjourne or call in Mr. Maxwell, if we call in Mr. Maxwell it may be none to our previledge therefore would have us to adjourne.

The house adjourneth itself till too morrow sevensight 9 a clock in the morning.

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THE NOTES OF SIR RICHARD GROSVENOR FOR THE
SESSION OF THE COMMONS IN 1629

16: Feb. L[ord] Chiefe Justices answers to questions.

The Attorneys answere: 16: Feb. reported by Sir Ed[ward] Seymer.

Sir Jo[hn] Cokes declaracion of the delivery of the Jesuits colledge
at Clerkenwell.

Declaracion of the Keper of Newgate: his warrants about the prests.

Message to the L[ord] Tresurer and Barons: and there answere,
about detayning of the marchants goods.

Letter to the universities: about Arminians.

Alexander Burgesse petition agaynst the L[ord] Lambert.

Dr. Mores testimony agaynst Bishop of Winchester.

Petition agaynst Cosens: and Withrington.

Montagues Pardon.

Affidavit of King agaynst Cosens.

Warrant for Montagues pardon.

The Attorneys relacion about Mr. Cosens: Feb. 9.

Dr. Stewards and Dr. Talbotts arguments.

The Attorneys bill agaynst the marchants for tunnage etc.

Message to the Barons.

These I have.*

An order. Jan. 21.

A message from the King. Ja. 23.

The Kings Speech. Jan. 24.

Mr. Kyrtons Speech. Jan. 26.

Sir Jo[hn] Eliots Speech. Jan. 26.

Mr. Pym's Speech.

Mr. Rouses Speech. Jan. 27.

The Commons Apologie. Jan. 30.

The Kings aunswere. Feb. 2.

The petition for the fast. Jan. 28.

The Kings aunswere. Jan. 28.

The profession touching religion. Ja. 29.

2ND SESSION BEGAN 20 JAN. 1628

I came the 5th of Febr.

* Grosvenor means that he has procured MS copies of these speeches, or what we have called in the Introduction "separates."

6 FEBRUARY

The House into a Committee:^a Mr. Pym in the Chaire. Pardons of Bishop of Chichester: 2 Dr. Maynwaring: 3 Cosens. 4 Sibthorpe: reported by Mr. Sherfeld.

1, Who drew those 4 pardons. 2, upon whose suggestions¹ they were soe drawne: 3, who solicited the passage of those pardons in the [illegible].^b Touching Mountagues pardon they find that one parson Skull whose Christian name they found not yet: he hath gone through most of the [illegible].^b

For Manwaringes pardon Mr. Bartholomew Baldwin a Clerke of the Faculties solicited it but as for Sibthorpe and Cosens they find not. One Mr. William Watkins a Clerke of the Privy Seale can give informacion. Require to have liberty to send for any: 4 pardons granted since the last session. They have now found a 5th to Docter Maynwaringe. Notes of it in the temple [?] office 16 July: dated: a pardon [g]ranted to Dr. Maynwaringe^c for all sums, punishments, etc. inflicted and forfeited by him by sentence^d of Parliament. Hee delivered in a cobby of Dr. Mountagues pardon.

SIR ROBERT PHILLIPS: moved to have there powers enlarged to send for persons. The Speker returned: and ordered that any subcommittee for Religion shold have power to send for persons, records etc.

Munday is appoynted to argue the legality of Mountagues confirmacion.

The Speaker went forth. Mr. Pym in the Chaire.

SIR ROBERT PHILLIPS reported from the subcommittee what they had done with Mr. Attorney: about the 4 pardons in matter of writing and matter of Relacion. For that of writing is to be reported by Mr. Selden. For that of relacion wisheth in this to inquire whether there were such affidavits taken by his direction etc.

He told us that a kinsman of his one Heath of Greys Inne came to him in Michelmas last and told him in generall way some things concerning Cosens: but instanced oft these words that in a publick meeting he shold affirme the King was not supreme head of the church: that in Ex-communicacions the King had noe more authorety then his man that rubed his horses heeles: that hereupon he lett the King know what he h[e]ard and how he h[e]ard it: the King was unwilling to beleieve that any man shold say soe: but that the report proceded from malice: yet charged him

FEBRUARY 6.

¹ suggestions written above *significance* which is crossed out.

^a Committee for Religion.

^b The other accounts give no help in deciphering this word.

^c For the order for the pardon see *Cal. St. P. Dom.* 1628-29, p. 196.

^d For the sentence see L.J. 3:855-56.

to make inquisicion after it: and if he found it probable then to repayre agayne to him: this made him to be diligent and exact: sent for Mr. Heath to be better informed: told him that the matter was soe foule that he thought there was a mistake in it: and demanded if any man wod swere it: affidavits brought: it was sworne poynt blank: yet Mr. Attorney sent over his letters to some gentlemen that he understood to be present* that they wod certify the truth of what they h[e]ard Cosens speke. Hereupon the gentlemen returned answers: but differed much in the words, and occasion why the words were spoken: upon this Mr. Att[orney] finding the busines lessened and some malice: proceeded not in it. He seyde that he had received noe advice or command to desist only he met with the Bishop of Winchester who asked him of this busines informed against Mr. Cosens: telling him[†] that the busines wod be nothing that King his cousin was a man not to be credited. That he had not given the King any account of this busines because he thought it wod come to nothing. Being asked for the Affidavits: he was willing but could not find them: but that Mr. Heath his cosen had one of them. That Mr. Selden inquired out Mr. Heath: who delivered them a copy of Kings[‡] affidavit: which was read that upon 27 Aprill last Cosens spoke of King Charles the words formerly written. Etc.

MR. SELDEN: reported the matter of writing which he received from Mr. Attorney.

1 the warrant. 2 the full coppies of the pardons. Mr. Att[orney] shewed 4 severall warrants al[l] subscribed with the name of the Lord of Dorchester: we tooke a copie of one: they al being the same.

The warrant read: a pardon for Mountague: a Coronacion pardon: and other words, writing, printing or preaching for the time past etc.

The Att[orney] drew a Coronacion pardon and inserted some words: but then taking consideracion that this maner was unusuall: he sent it to the Bishop of Winchester, that from him he might receive such amendments as might be according to the Kings grace. It was returned interlyned with other hands.

SIR JO[HN] ELIOTT. The Kings honour and right are both questioned by Cosens words: not fitt for us to pass it over slightly: This is high treason: grounded upon oath not upon supposicion: this presented to the Att[orney]: his Majestie acquainted with it: he commanded the Att[orney] to examine it: and that he shod know how it stood. In law a testimony upon oath agayst such an accusacion is not allowable to them: shold this letter procure a certificate to discharge this affidavit. This not fitt for his place. He acquainted the Bishop of Winchester with it (you know his

* According to Nicholas (p. 130) the reference is to the Dean of Durham and Sir William Bellasis.

[†] i.e. the Bishop told the Attorney.

[‡] Thomas King of Durham. Nicholas (p. 130).

relacion to Cosens:) that the Bishop said that Jack Cosens did not commit such an error, moved that the persons that made the affidavits may be sent for and that Mr. Att[orney] shod be questioned upon what reasons he soe sleightly passed this over: and if the Att[orney] or others are found guilty that we spare them not.

Cosens a man charged as a Criminous man and soe obnoxious to the peace of the Church that we thought him a great cause of the dissensions: that he shod be thus sleighted not else.

SIR HE[NRY] MILDMAI: This abuse deserves a thro inquisition. That we first find Cosens guilty of the fact before we fall to inquire into the fall of the Attorney. That Sir William Bellasis and the other gentlemen reported to heare the words might be sent for up hether.

SIR JO[HN] ELLIOTT counselled not to stay proceeding agayst Mr. Att[orney] for whether the fact were true or false all one: he ought to have proceeded faithfully: and hoped that when the Att[orney] came to justefy himself he wod discover those greater persons who commanded him not to procede.

Ordered, that King shod bee sent for to know whether he would justify his affidavit: Mr. Heath was sent for presently to come to the Committee from the Kings bench Bar: vis he was a reporter.

SIR J[OHN] ELLIOTT. That Mr. Attorney be sent for and examined before the grand Committee.

SIR HU[MPHREY] MAY: wold not have us to spar Mr. Attorney: fitt for ministers of state to be carefull, before they bring mens lifes or good names in question. Moved to see what grounds we have for it before we question Mr. Attorney.

SIR FR[ANCIS] SEYMER. He cold not excuse Mr. Attorney: for he had not proceded as the King bade him: but moved first to examine King how he can prove his affidavit: and then to proced with the Att[orney].

MR. WANSFORD. Neyther Mr. Cosens nor Mr. Attorney fitt to sleepe. For this greves us, when his Majesties grace goes swiftly to these malignant persons and slowly towards his best subjects: who have as good an interest.

MR. NOY. Cosens wold have the Church without a head, that is he wold have us have noe Church: for before I send for the Att[orney] hether I wold be resolved of the matter of fact: and a question out of it: whether the Att[orney] doe sitt in the Lords house by the Kings writt: and then whether wee have used to send for any thence.

MR. LITTLETON: to procede with Mr. Att[orney] before Cosens: and till he were hard to have a favourable opinion of him. To give him a day, if he list to come to the house and answer his accusacion.

Mr. Speaker undertook to give Mr. Attorney notice that this house was pleased to give him hearinge upon Munday, if he pleased to be better satisfied in his proceeding agaynst Cosens.

MR. STEWARD. That he consented not that the Speaker shold give him notice: because his place was of dignity: etc.

Mr. Littleton and Mr. Selden undertook to give him intimacion.^b

FEB. 7

1°. An Act for the better preserving of his Majesties Revenue.

1°. An Act to prevent corrupcion in elections to hedships, fellowships and schollerships in colledges and halls.

MR. KIRTON moved for a tyme for Subsidy of Tunnage and Poundage.

SIR WALTER EARLE: without our God one with matter of Religion we can looke for noe blessinge. It hath gone on with leaden feet: hath bene spun out with busines of lesse moment. To give to God, the King and our Countrey what is theres: and he that will not give all these there dues: let him intergate the income of an miscreant.

MR. WALLER: If this retarded Religion I wold not consent: but Religion consisteth in justice towards man, as piety towards God. Moved for the marchants goods to be restored which were in danger to be spoyled.

MR. VALENTYNE would have Thursday for the Bill of Tunnage.

By question resolved that upon Thursday next the House shalbe turned into a Committee to take into consideracion a Bill for Tunnage and Pondage and all the Incidents. Mr. Shervile appoynted to take the Chayre.

SIR ROBERT PHILLIPS: reported from the Committee of Courts of Justice that they received a petition by Mr. Noell wherein observe the persons and the matter. The person Sir Ed[ward] Mosley attorney in the Duchy Courts: the other Tho[mas] Mosley: The matter is opposition: injustice: vexation: 5 articles concerning Mr. Noell: the first that Sir Edward used passionate words and threats against him. The charge that Noells ancestors livinge for 400 yeares much added informacions against him. That he compounded with Brograve for 80£ to have a decree from him: and a declaracion the King had noe right: but that fayled. After he compounded for 50£ and had a decree upon payment. That Sir Ed[ward] Mosley used to correct or alter orders in his chamber. The Comittee considered that this busines had bene here formerly, and had bene committed to a speciall Comittee:^a and wished it might be now

^b See Nethersole (p. 250) for Attorney Heath's confinement from Saturday until Monday.

FEBRUARY 7.

^a In the session of 1628. C.J. 1:915, 916.

settled in a select committee: and that Sir Nat[haniel] Rich and Mr. Corbett who had formerly taken notes of this shold attend the committee.^b

SIR HU[MPHREY] MAY: We are here the Lords of fame: a good name in this house is a precious inheritance let me intreat you that till he make his answer you will have a good opinion of him.

A select Committee Monday Cort of Wards. Authority to send for witnesses: and Counsell assigned.

MR. SELDEN reported concerning Allen: accused by Prichin^c by Articles: two wherof concern the priviledge of the house: and those I report: the first article of those two: that Allen doth charge the Puritan faction who agree with the Jesuits to be the very cause of the overthrow of his Majesties armies.

The other that these men oppose royall power upon these words *nolumus mutare leges*.

A letter of Allen to Mr. Burton.

But you make [blank]

I am sure the Puritan faction was the cause:

The[y] like watermen provoked to war but looked^d another way.

Wee asked him what he meant by Puritan faction: by supplies^e etc. After a good while: he sayd he had a good authority to produce: he then brought a book published 19^o Jacob.

About the passages of Parl[iament] he design[at]ed divers places: as that of the protestacion to give the King supplies. In 13 page: to shew who were the Puritan faction: he produced that those who undertoke in the house to dispute the prerogative etc. That he desired them to note that it was not this Parl[iament] he spoke of but an other.^f

SIR ROBERT PHILLIPS. I served in that Parl[iament] which gave his Majestie then as ample testimony of duty and love as any Parl[iament] ever since did or could doe: Since we live in that Parliament and in those that may be 200 years after: to be an honest man is now to be a Puritan: for to give us this aspersion we can not give too great a punishment: these are the men that set dissension betwixt the King and us. Since this man hath given an Index of his harte that we send him

^b For the members of this committee see C.J. 1:927.

^c Prigeon. C.J. 1:927.

^d Grosvenor spoils the figure. See True Relation (p. 48).

^e Alleyne had declared as part of his second charge that the Puritans denied supplies. See True Relation (p. 48).

^f There was no printed book of proceedings for this parliament. Whether there was a manuscript collection of separates dealing with the parliament has been adequately discussed in the Introduction. (See p. lviii.) The Commons Journals make a little clearer than Grosvenor what this was. It was a "book printed 19 Jac. wherein a promise of supply is recited to have been made by us." Selden's report in the Commons Journals makes Alleyne refer to the "Puritan faction, those which in that book are by King James found fault with." This printed book was none other than the King's proclamation given out at the end of the parliament. For that proclamation see O.P.H. 5:516-25.

to the Tower: to apoynt him in some publike place to testefy the occasion of his Punishment.

MR. LITTLETON: that he might first be heard: and then punished.*

Mr. Pym in the chayer

MR. SELDEN reported:^b the warrant by which the 4 pardons were drawne that they had compared the rough draught of the pardon with the pardon it self: and for the most part agreeable. When Mr. Att[orney] had given direction to his Clerk to make a draught of his coronacion pardon: this was brought to him: he altered somethings of forme to fitt it for the persons. Then finding that diverse other things were to be pardoned: as printing of books and for opinions: he inserted words: *conciones, sermones* etc. *editi* [illegible]: then answered that these things were vane, and considering that the Clergie cold tell better what to doe in that: he sent the draught to the Bishop of Winchester and was returned with these additions. As first the 4 names of Cosens, Manwaring etc.: these words: *et malege, [illegible] opinionones habitas ab ullis et erronias, vel minus orthodoxas earumque publications et omne doctrinas falsas scandale dictas* etc.

In the end of the sheete these words.

If Dr. Maynwaring shold have one of these pardons: he must have more words then these.

*Et omnia et singula iudicia censura supp
venas, penalitates*

*Per aliquam Curiam ipsa regu nostrae Angliae habita. Tibi per suprem
pardonenti curiam [illegible]*

omnia crimina et errata.

aut aliis iudiciis quibuscumque. In margen.

I hold the Parl[iament] to be *Curia Domini Regis apud Westm[onasterium]* et tam valida sit in lege.
sit ut dictus Jo[hannes] instalus prius restituatur per [illegible] et in posterum.

SIR JO[HN] STANHOPE moved that Mr. Lively shod have the pardon shewed him: and deliver upon his credit whether he knew the hand.

MR. LIVELY the Bishop of Winchester his servant a member of the house¹ loked on it and aknoldged many of the interlinings to be the hand of the Bishop of Winchesters hand: and some part to be his owne hand.

Coming to these words sayd

Omnia crimina et errata, thats my Lords.

* A characteristic suggestion of Littleton's, which was accepted. Pym called attention also to the fact that more important business was in hand. True Relation (p. 49).

^b Sherfield reported before Selden. See Nicholas (p. 132); True Relation (p. 49).

¹ Edward Lyveley, esq., represented Berwick-on-Tweed Borough, Northumberland. *Members of Parliament*, 1:476.

SIR NAT[HANIEL] RICH. That Mr. Att[orney] shold be sent to agayne to know who putt these words into the pardon for eyther he did it him self or knew who did it.¹

SIR ROB[ERT] PHILLIPS: that Mr. Att[orney] had told the Committee that the amendments were interlined before it came from the Bishop of Winchester.

SIR JO[HN] ELIOTT. I see here the indulgence and art of my Lord of Winchester. To respite this for the present: and make the disquisition of that part concerning Mr. Cosens:² and then a Subcommittee to draw into a forme that matter which is here discussed. And then I hope we shal find this man fitt to be presented to the Lords as a great cause of all our religious misery.

SIR DANIELL NORTON: that a doctor being to attend the Bishop of Winchester when he had dispatched: the Bishop told him that he had used often to preach before King James: and use arguements to beate down popery: but now you must not doe soe: he sayd if he preached he would: the Bishop sayd he shod not.

After the Bishop misliked the standing of Communion table: which stood as in an alehouse: the doctor sayd they were placed by Law: the Bishop said that ther were other injunctions which shold be of force: and asking the Bishop why in Winchester the table was sett up as an alter: the etc. This an offence to our pious King for the necessary understanding of the words must be that our Religion freed from Popery was defended by King James: but not now soe an injury to the present King. The doctors name was Dr. Moore.

SIR ROBERT PHILLIPS. The Bishop of Winchester hath a good will to make Durham and Winchester synonymas.¹

A great Charge upon the King: as though he would not dare arguements for repelling of Popery. Moved to send for Dr. Moore.²

SIR HU[MPHREY] MAY. The Kings hart is as right sett for Religion as we cold wish, and as easy to reconcile all this house to the King.³

SIR THO[MAS] HEALE and SIR JOHN COWPER affirmed they h[e]ard Dr. Moore affirme soe much: and that he sayd he cold make it good upon his life.⁴

The Speaker returned: Mr. Pym reported the particulars of the Bishops conference with Dr. Moore. Ordered: that Dr. Moore shold be sent for by a letter from Mr. Speaker to justify the words used by the Bishop.

¹ See also True Relation (p. 50).

² Eliot as usual was trying to lead the House back to the main point.

³ Neile, Bishop of Winchester, had formerly been Bishop of Durham.

⁴ Cf. Nicholas (p. 133); True Relation (p. 51).

⁵ Cf. True Relation (p. 51).

⁶ Heale was followed by Valentine. Nicholas (p. 133); True Relation (p. 52).

9: FEB.

By Question patent for transportacion of marchants letters. Committed Thursday Court of wards.

MR. HACKWELL: reported the election of Mr. Wynne for Flint.

Complayment of 2 poynts: 1 for the undue procuring of the writt. 2 that the writt was unduly executed. For the first: the resolucion: thus that the writt issuing after the death of Mr. Weanscoost was thought to be procured by Mr. Ogle from the Clerk of the Crown: that my Lord Keeper had notice gave directions and allowance. Mr. Williams of the Crown informed that these clerks claymed as a due and of use ancient to make out writts in tyme of Prorogacion of ther owne heads without direction of the Lord Keeper: that they had sometymes done it in tyme of adjournement.

It was thought that in tyme of Prorogacion it was usefull for the commonwealth to be done by the Lord Keeper: but inconvenyent in tyme of adjournement. That the Clarks being commanded to bring ther presedents which they have done: 14 Eliz: a parlament continued till 23: during that tyme when any dyed they made out writts to the number of 46 during that tyme: in 1^o *Jacob*: they made downe 38 writts all without direction of the Lord Keeper: 18 Ja: during the adjournement, the Crowne office made out 2 writts. The Committee resolved nothing but left it to the resolucion of the house what to doe for the future: that for the present they conceived the writt was well enough issued forth.^a

MR. SPEAKER: about the Attorney: that he received a letter from him: that he took notice of the intimacion from the house and presented to them a narracion in writing of the whole proceeding about Mr. Cosens words.^b

SIR JOHN ELIOTT reported from the Committee about the marchants petitions concerning Sheriffe Acton: his examinacions, direct answeres, refusalls. That they knew not how to proceede: which when they took as an abuse, they commanded him to withdraw yet admitted him to a reexamination: when I propounded the danger if he still abused the Committee in not dealing playnly with them: he gave little satisfaction: and after hee withdrew: the Committee resolved after they had thought of the dignity both of his place and this house, they resolved that he had abused the house in the Committee: and should answeare it here.

MR. GOODWYN: that the Sheriffe was sory that the Committee was not satisfyed with his answer: he desired to be once agayne referred to the Committee: wher he would give a cleare answeare.

FEBRUARY 9.

^a Cf. C.J. 1:927.

^b For that narration, see Nicholas (p. 133).

MR. WALLER: love and feare in him did strive: yet his love to the Citty did put out his fear: moved to have him referred back to the Committee.

MR. LONG: that he was free from hight of love and fear: They live in a citty where he might have learned better civility: but he loved the honor of this house before the greatnes of the Citty.

SIR JO[HN] COKE: to have him referred.

MR. VAUGHAN: that the Sheriffe had confessed his prevarication and soe should be called into the house.

SIR HU[MPHREY] MAY: not to be too hasty with him to insnare him.

SIR JO[HN] ELLIOTT. This great officer was not snared suddenly: but with great caution in regard to the dignity of this house and that Citty, they gave him tyme upon a first and second question to have answered. The questions were but those about a replevin: the 1 question where he did falsefy: after he sayd he had bene with the Recorder he did deny that he had bene there. The next question when he had confessed he had bene at the Cort of Aldermen: being asked what counsell they gave him: hee denied that hee had bene there.

Resolved by question that Sheriffe Acton shold bee sent for to the house.

SIR JO[HN] COKE justified the Sheriffe to have answered playnly and fully that he was cautious and declined to answer directly to such questions as might accuse himself: wished to consider what prejudice such a presedent might bring to the Kingdome hereafter.

Great dispute whether he shold be sent for as a delinquent or not.

Resolved that the Sheriffe shold be sent for in as a delinquent and soe soone as he did kneele, to be wished to stand up agayne: to be here to morrow morninge.

Mr. Jones was called in with his counsell: to argue the validity or invalidity of Mountagues confirmacion.

Dr. Steward and Dr. Talbott Civilians came to the Barr, to whom the Speaker delivered the cause of there comming.

Dr. Steward first.

We have received 2 orders here whereby we are assigned of counsell with Jones: and to speke to it, this day. The questions are these: whether the exceptions exhibited by Jones agaynst the election of Mountague bee of validity. 2, whether these exceptions make a nullity of his confirmacion. These questions depend upon cases in law and devinity: and moved that what he spake might be taken as from one that came to speke for his clyent and not from his owne opinions.

Legality: whether the matter containd in the exceptions be such as being truely proved were legall. But this depends upon poynts in divinity

controverted not yet determined: if they be such as are erroneous then he ought not to be admitted.

2d poynt: whether these being legally propounded and expounded doe make the confirmacion voyd: it doth:

A 3d question came into my mynd what effect wold come of it, if the confirmacion bee voyd: some may think that he hath lost his Bishoprick by it: but these are deceived: if it be nought it may be made better, for his right to election is good still, and he shal be sett in the same state that he was after his elecion and before confirmation.

Dr. Talbott. The matter of Elections in the common law as they be copious soe they are intricate and are in this kingdome of little use.

In the Canon law 2 kinds of objecting against confirmacion. 1 agaynst the forme: 2 the person. The subject of my discourse of the 2d: whereof I find 2 sorts, eyther objections of defects of the person as age, knowledge, birth-right: or crimes committed before the Election: by that Law those exceptions of Crimes were admittable agaynst the confirmacion: were such as were *inter graviora delicta* and make him incapable of the place to which he was elected. For the Articles, I doe not understand how far they will prove true: not having read the books of Mountague: but if they shal prove *inter graviora delicta* in the opinion of this house then they are legall and to bee admitted. The forme of the Articles altho in Law they may be defective in some circumstantiall points yet in the substantiall parts they are justifiable. For the tyme of propounding them: I find that a publik Citacion being sent out to summon all persons who shal object agaynst the Bishop then Jon[e]s came, made his petition, and desired to be admitted: and at that tyme he ought to come.

2nd question: whether legall Exceptions put in and not admitted doe make a nullity: Ans[wer]: that he coming in in the due tyme and petitioning to be admitted to profe and being refused: in the last title of the Chap[ter] *de electione*: Pope Boniface finding that sudden elections was prejudicial to the Church: and those neglected who wold oppose unworthy persons, hee made this constitution that a publik Citacion shold goe forth to give notice: and if any confirmacion executed before such a tyme: it was to be of noe effect.* If a Judge proced, to confirme, notwithstanding parties offering exceptions then it is voyd.

2ly: a constitucion of Justinian writing to the Archbishop of Constant[inople] how he wold have Bishops to be ordered: appoynteth if a Bishop be thought to be illegall and desire to be ordayned, and a Contradictor come in to oppose his ordination that he ought to be hard: and

* "Vocationem autem hujusmodi nominatim ubi est Coelectus, vel apparet oppositor, alias generaliter in Ecclesia, in qua electio facta est, ut si qui sint qui se velint opponere compareant assignato peremptorio termino competenti, faciendum esse censemus. Quare etiamsi electio in concordia celebrata fuerit, volumus observare." *Corpus Juris Canonici* ed. (2 vols., Paris, 1687) 2:297.

if they goe on to the ordination without hearing: then the ordination was to be voyde *si quis* etc.: he read the words in Latine. And this constitution seconded by Innodatus, a Canonist: yet with this exception that if the exceptions be likely to be true, then it is good agaynst the ordination and wher it is good agaynst the ordination, for the like reasons good agaynst Confirmation.

Last argument taken from Gratian in the Chapter illud: and the 4th Counsell of Carthage Constitution thus reads: when they came to ordeyne a Bishop and a Contradiction came; any cryme objected then, *discretatur persona contradicentium*: and if the Crimes prove true: they must not proceed to ordination. And tho that proved but *ubi lex prohibet*: and prescribes a written forme to be used, though the words be noe other of nullity yet the Law makes the proceedings voyd: and concluded that this confirmation of Montague was voyd.

SIR RO[BERT] PHILLIPS. I hard nothings of one materiall question whether the not putting of an Advocates hand to the exceptions made them illegal or whether that being offered they cold refuse.

SIR H[ENRY] MARTYN: When an Election shall passe, without exceptions: those exceptions can only reach to the confirmation and not to the Election: but if afterwards they be proved legall: it works upon the Election alsoe.

The Civilian Dr. Stewart called in agayne and by the Speaker demanded these questions.

1 Question: whether the Advocates hand not being at the Articles were a sufficient cause to make to refuse the articles.

Ans[wer]: It is not of the Essence¹ nor noe good exception, that the Law maketh noe such constitution: but only an order made by the² Court for conveyniencie.

SIR H[ENRY] MARTYN. The 2 d[octo]rs have spoken but mistaken this method: 1 the forme used in confirmation: 2 how that agreable to acts of Parl[iament]: then how those acts are agreable to the Canon Law: then that practise agreable to this state: then the Idlenes of that Proclamation.

Since 25 H. 8 save in Q[ueen] Maries tyme: we procede by a forme in confirmacions and swerved not from that forme: which is not agreable to the exact rules of the Common Law. There must be a Citacion set up at the Church wherto the Bishop is chosen else voyd. But 25 H. 8 is according to the Kings letters missive, if within 12 dayes the Dene and Chapter doe not choose the King may chose whom he will.³ But if they

¹ but only crossed out.

² poynt crossed out.

³ "then the king may present by his letters patents without confirmation." Lowther 70.

doe chose their elections shal stand good to all intentions.* And within 20 dayes the Archbishop must consecrate him. Such ceremonies as may be used in 20 dayes are retayned and noe more: these articles were tendered within 4 dayes of the 20: soe that within that tyme there cold not be any profe made. 1^o Ed. 6^l such Ceremonies as Citacions and proclamacions are taken away and the King may make whom hee will.^a 8^o Eliz. the Par[liament] took notice of some scandals that arose from these elections. 4 Convey[n]ient to be as it is now.^b Ob[jection] why doe you make this proclamacion to no purpose. Ans[wer] noe unusuall thing in al great actions to reserve some footsteps of antiquity tho not fitting to the present tyme: as that of the Kings Champion: of single or doble voucher.

Qu[estion] whether this exception be legall: it is illegal *secundum consuetudinem illius curiae*. If I had bene there: I would have asked Mr. Jones what he had to doe with Mr. Mountagues confirmacion: not being a shepe of that fold: he that will give a legall exception must have an interest: and *obligare se ad poenam*.¹ 3 parties in all judiciall busines. The Judge: the Actre: the Deane and Chapter: 3 parties dependant all of that Diocesse that will speak agaynst it. Question what if a good exception be given and the Judge will not allow it, doth this make the election voyd. Ans[wer] Noe. Nullities goe no further then where the Law doth fix them.

There is noe great harme done, but what may be reformed: for the King hath power to thrust a Bishop that is erroneous in opinion out of his Bishoprick: and if these Exceptions bee proved they be sufficient to thrust him out of it.¹

* "The parliament gave in that Statute the same authority to the King as was formerly in the popes," Nicholas (p. 135). The incoherent sentence in Lowther needs to be rewritten as follows "And not[e] that what privilege the pope had before 24 Hen. VIII, the king had [been] given by act of parliament."

¹ "Cap. 2^o" added in True Relation (p. 54). See also *Statutes of the Realm*, 4:3-4.

^a Lowther adds something here but adds it in so confused and incoherent a fashion that it needs to be freely amended and interpreted as follows: [And when under Queen Mary, the acts of 25 H. VIII and 1 Ed. VI were repealed, the ceremonies as citations and proclamations were dropped as under Edward VI and upon the presentation by the pope, there was no exception to be taken, and so continued to Queen Elizabeth's time, which [usage] in 1 and 8 Eliz. was thought fit to be altered [in consequence of which, exceptions were pleaded again as by 25 H. VIII].

^b Lowther's difficult version of Marten must again be quoted: "the parliament in 25 Hen. VIII found what difference there was in cathedral churches by such exceptions; and therefore to put an end to such differences the king had this conferred upon him." This must mean that the King determined that the proclamations and exceptions should proceed not from the several cathedrals but from Bowe Church. To that practice the Elizabethan Church reverted, and it was of course more "convey[n]ient."

¹ "Such citation is not to be set but on the church where the bishop is to go . . . but those that are not of that fold they have nothing to do in it." Lowther 70.

¹ Marten's speech, to be understood, needs to be read in all the versions and variants. What he meant was briefly this. The exceptions made by Jones are invalid because the whole ceremony goes back to a usage no longer current. Under the old usage the citations could be issued for the cathedral church over which the bishop was to be set, the proclamations would be made there, so that the "sheepe of this folde" could put in whatever exceptions they wished. With 25 H. VIII that was all changed. The proclamation is now made at Bowe Church and the request for objections or exceptions is merely a relic of an antiquated proceeding and has therefore no legal significance. Marten's complete statement as deduced from the several reporters is hard to follow because he tries to combine at once an argument and a complete historical exposition.

10 FEBR.

1°. An Act to restreyn and to prevent some disorders in some ministers and some magistrates.

2°. An Act for Confirmation of letters patents graunted by King James to the governor and Company of the Citty of London for the plantation of the Sommer ilands. Committed Thursday Star Chamber.

MR. WILD reported the Bill for the Explanacion of a statute of 3° *Jacobi*: intituled an act for the better discovery of Popish recusants.^a Passed to bee ingrossed.

MR. ROWLES: acquainted the House that yesterday he was served with a Subpena out of the Star Chamber by a messenger of the Attorney: that hee told the man he was a Parliament man: he answered that if he wold not receive it he wold kepe it by him: Mr. Rolles sayd if he wold serve him he wold receive it which he did: that the Attorney wrote to him his man had mistaken: wished to read the letter. Sir Robert Phillips moved not to read it.^b

SIR ROBERT PHILLIPS. He was sory these rubbes are still given to our happy proceedings: but being stirred we must follow it as that which concerns the universall liberty of all. There can be noe pleadinge of ignorance how this gentleman hath bene tumbled up and down agaynst privedge: and an insolency not hard of to come to the Committee¹ to serve him. If I thought this came from supreme command I shold be more humble but politike: if from Mr. Attorney my advice shold be more quick. Moved to send for this man: to know of him from whom and when he had this and to make an example of any that shal thus scorne and contume.

SIR JO[HN] ELLIOTT. The happiness of the Kingdome consisteth in the preservacion of their Liberties and those are contracted in this house. Our Lenity causeth this violation: and our faire proceedinge maketh our Liberties the Subject of scorne and contempt. This is unexampled but by one: when the members of this house are attached at the doore and carried away. The ground of this I conceive to procede from those who would take us of[f] the matter of Religion: it comes higher. Moved to send for this man to examine by whom procured: by whom sett on, who advysed to doe it at this tyme, to give such a judgment as may make a terrour to others.^c

FEBRUARY 10.

¹ After the word committee, *Chamber* is erased.

^a 3 *Jac. cap.* 4. C.J. (1:928) errs in making the statute one referring to recusants' lands.

^b Phelps's motion prevailed. True Relation (p. 55); C.J. 1:928.

^c Cf. Nicholas (p. 135-36).

MR. ALFORD. This was the day for Mr. Rowles appearance. Moved that the Bill^d might be looked into to see if the informacion were for any busines depending here.

SIR HU[MPHREY] MAY sayd this came neyther by knowledge of King nor Counsell: but through some great error: wished till it were serched forth not to think that the state cast in any bone^e to hinder valid proceedings.

MR. SELDEN. Observe the circumstances, never anything hapned of which we have [more] reason to take care: it was done upon him, a parliament man, and upon many others who ought to have the priviledge of this House by following ther business here. Can this procede from an error when a member of this House and all that joyned with him in a business of soe great consequence as the like never was. It procedes from our owne negligence.^f To send presently for this man; and for all others who have affronted him.

By question resolved that Mr. Rolles shold have his priveledge: 2: that Nicholas Shrimpton shold be sent for presently to answer his contempt to this House. 3 that a select Committee shold be named with power to send for any: and to consider and examine this business: in afternoone: Treasury Chamber.^g

Ordered by question: that all Committees who have power to send for parties named shall have power in the name of the House to Command any persons whom they think fitt to attend the House at such tyme as they shall please.

Ordered that the suppoena makers in the Starchamber shold presently be sent for to give account who appoynted them to make forth their suppoenas.^h

Sheriff Acton called in to answer his contempt at the Committee: kneled but being required to stand up, the Speker told them that he had at the Committee soe little respect that Committee, that he refused to give answer, made a frivolous answer, made contradictory answers, and had scornfully cast in a paper nothing to the purpose. He answered that he had noe intent to give any discontent but having forgotten

^d i.e. the bill in the Star Chamber.

^e An allusion to Philips's speech. Cf. True Relation (p. 55).

^f Cf. True Relation (p. 56).

^g For the members of this Committee, see C.J. 1:928.

^h A comparison of True Relation, Nicholas, and Grosvenor with C.J. 1:928, for the paragraphs there numbered from one to six shows that no one of these three accounts is complete.

1, in Nicholas and Grosvenor.

2ly, in all three.

3ly, in all three.

4ly, in all three.

5ly, in Grosvenor only.

6ly, in Nicholas. True Relation has a special application to the merchants.

many things he could not answer directly: desired the good opinion of this House.

MR. LONG: to send him to the Tower.

SIR FRAN[CIS] SEYMER. He believed that he erred of ignorance not of wilfulness: moved he should acknowledge his fault: and with an admonition to be dismissed.¹

SIR DUDLEY DIGGES. A great punishment to appear on his knees here: had hee confessed his fault ingeniously: but since he came with an *If* he could not allow it to call him in agayne: but to proceede agaynst him.

MR. CORITON. To commit him to the Serjant till he had made his submission.

MR. SELDEN: thought that he that durst soe affront a Committee, regarded noe more to kneele here then sitt upon his stooles at home. Let not our mercy undoe our selves. I remember when 2 sheriffs of London were committed to the Tower for lesse offense then this. In 37 H. 8 a member arrested and sent to the Counter: the serjant of the House goes to the Sheriff: and told them what they had done and demanded the prisoner: they gave the serjants ill words, they were sent for hither to the Barr: the playntiffs sent to Newgate: the serjant to little Ease: the sheriffs to the Tower.²

SIR ROB[ERT] MANSFIELD. Not to deal so extremely: this sheriff offended of ignorance: you see how many wayes he hath convayed his sorrow to this House, he hath bene on his knees: let him acknowledge his fault and bee admonished.

SIR HE[NRY] MILDMAY. We are upon a great business, the censuring of a great officer of a great and opulent City for prevaricating with a Committee. We all know how many there are who watch for occasion to breed distraction betwixt the King and his Parlements. The Sheriffe desired, that if there were any further thing required from him to give satisfaction: it will be thought that it is not for this offence: but for other secret causes concerning his Carriage in the other great busines: moved to call him in agayne etc.

MR. KYRTON. That he had promised the Sheriff all favour:³ but now if his Brother were in the sheriffs place he should to the Tower: we nede not feare any rascallity report to the King: nor nede to feare our own justice.

SIR JO[HN] MAYNARD. When he considers the fault singly: he would have him sent to the Tower: but when he considers his posture of humility: that the word *if* came out of his mouth by chance:

¹ According to the True Relation (p. 56), Seymour moved that the sheriff's case should be referred back to the Committee and if he did not deal clearly he should be punished.

² As reported in the True Relation (p. 56), Acton's words were: "if he hath offended or erred" etc.

³ See Holinshed, *Chronicles* (London, 1808), 3:824-25. This case belongs to the 33rd not the 37th year of Henry VIII. The mistake was probably Selden's for Nicholas also makes him name the 37th year.

⁴ Cf. True Relation (p. 57).

1 to ask him questions. 2 to let him kneele and acknowledge his fault. 3 to admonish him strictly to deter others.

MR. LITTLETON. If great fines and punishments have bene inflicted for offenses agaynst Parl[iament] mens servants: how much more an offence agaynst a Committee. Shal wee feare bad reports of bad men, it is our misery to be misreported but lett the mischiefe light on their owne heads: let us goe with our Consciences: and censure him.^m

SIR H[UMPHREY] MAY. God grant mee ever eloquence in the way of moderacion not of severity: this man did err with feare with carefulnes who he might offend. If we rest here we shal be famous for our mercy: else for our rigours.

SIR JO[HN] STANHOPE. The arguments used and put into the ballance are so good, grayve and waighty; and the contrary arguments soe light that he sayd not chaffe: that he wished to put to the question.

SIR MILES FLEETWOOD: layed ignorance, and hastiness of disposicion to the Sheriffe: for mercy: to forbear the Tower.

SIR THO[MAS] GERMAN. The sense of this House comes upon 2 consideracions: 1 whether he shal be sent to the Tower: 2 to call him in and heare what satisfaction he will make. The first is too hasty a Conclusion: soe to bring him in hether. A 3rd way: his submission here will give noe satisfaction to the Committee: to send him to them agayne: if he satisfye not there then to send him to the Tower.

SIR E. PRICE. We have indured the liberty of tongues, if we neglect this cause we shal have the violence of hands. To send him to the Tower: we will neyther hang, draw nor quarter him: and if to morrow he petition and submitt himself: then to shew him mercy.

SIR RALPH HOPTON: for mercy.

SIR ROB[ERT] PHILLIPS. In Tacitus of a man observed to qualify the rugged censures of the Senate: and he was held a man of wisdom: but I follow the example of one in Tacitus who finding the usurpations of the Romans, prayed them to remember the honor of themselves and there posterity and ancestors. Let it not bee sayd that our mercy hath destroyed our justice: by punishing him we shal doe a kindnes to his children hereafter. For the Tower.

By question ordered that Sheriffe Acton for his abuse to the Committee shold be sent to the Tower: he was called in and upon his knees received his judgment from the Speaker.ⁿ

^m Cf. True Relation (p. 57).

ⁿ Grosvenor omits several orders of the day. See C.J. 1:928, True Relation (p. 57), and Nicholas (p. 137).

FEBR. 11

1.^o An Act for reversing a decree in Chancery: and assurances there-upon made by Sir Th[omas] Germy knight etc.^a

MR. SPEAKER moved in behalf of the Chancellor of the Duchy: that in regard of the necessary attendance the later end of the tearme that he might have Monday to attend: which was ordered.

SIR ROBERT HARLEY presented the Bill agaynst Citacions upon common fame.

1.^o It was read.

2.^o An Act for increase of trade. This was Ingrossed for the Lords. Committed^b Monday: Starchamber.

MR. SELDEN: Reported the priviledge of the House broken in Mr. Rowles case: being served into the Starchamber that the process was taken out by examinacion of the Clerks, that on Fryday last Mr. Roper came to the Clerk with a warrant subscribed by Mr. Atorney: in the ordinary way: for taking out the processe: the Lord Keeper told them they must bee despatched and returned this tearme: that they were delivered on Sunday morninge. Upon Monday night there was sent a discharge by the Attorney to Mr. Rolles: that being a Parliament man he was not to appeare during the Parl[iament] nor the dayes of priviledge. The Bill came in on Monday, and finding it doth expresse in the preamble his Majesties dede [?] to Customers: the proceedings in the Exchequer: a combinacion agaynst the geting forth the Replevins: a narracion of the Kings right to take the same.

It was read in the House.^c

To morrow was appoynted to consider of this as an incident of tunnage and pondage.

Ordered^d that the Committee for the marchants business shold prepare so much for a report as is tuched in this bill which they have examined: and to have brought in alsoe anie of the Informacions made in the Exchequer agaynst marchants for tunnage in poynt of law there having bene 100 informations since King James tyme: which will ly there for after tymes to the prejudice of the subject, and to strengthen the Kings title.

Upon Mr. Pryces mocion it was ordered that all the members of the House shall attend the House and none to goe out of towne without leave first asked in the House after 9 of the Clock: upon sensure of the House.

FEBRUARY 11.

^a See C.J. 1:928.

^b For members of the committee see C.J. 2:928-29.

^c See Nicholas (p. 137), and True Relation (p. 57) for the substance of this bill.

^d Upon Selden's motion. True Relation (p. 58).

Sir Ed[ward] Coke was ordered to bee sent for.*

Mr. Pym in the Chayre: for Religion.

MR. WALLER: We first began to lay downe the truth we professed which I hope we shal mentayne: then we complayned of underminings of Religion which we professed by Jesuits and Arminians: we have in the discussion found out some who labor to introduce Popery. For Arminians tyme to inquire into sermons: and books: and countenancing. One reason, the stop of such books as are written in answer are stopped, and others suffered to be printed. And he presented a petition from the Printers' wherein the Bishop of London hath licensed books tending to Popery: and Arminianisme: and denyed those agaynst it: and if they print without licence they are punished by the High Commission.¹

The printers called in and 3 justified the petition: to be by the consent of all whose hands were to it: many of whom were alsoe prosecuted as they had bene. Mr. Pym asked them what particular orthodox books were restrayned. One of them sayd that he had offered *Conflicts and comforts of Conscience*,^a *Babell noe Bethell*,^b *Lewis his Legacy*,¹ *Golden Spur to the Celestiall race*,¹ wherein they made him crosse out: that a man could be certen of salvacion: by Mr. Turner chaplin to the Bishop of London: about a month[?] [blurred]² the last Session. That he printed *God noe Imposture*:^k and *Prins Against Drunkennes*:¹ that he was threatened for it and his books taken for it. 228 Books of Prins taken from him. 7 Sermons by Bishop Andrewes of Chester.^m Sermon in the mount: printed by him, he imprisoned. 225 of them taken from him. By warrant from the

¹ Following this is written and then crossed out: *Sir Miles Fleetwood: not to consider of this at this tyme: but to proceed.*

² probably after.

^a At the beginning of the session a motion had been passed that "in respect of Sir Edward Coke's great age, and absence . . . another may be named for the Chair for the Committee of Grievances" (C.J. 1:921). In spite of his seventy-six years Coke had dominated the House during the stormy session of 1628. Now as their difficulties increased the members realized their need of his leadership. According to the True Relation, Coke was to be written to by the Speaker; but, according to the Journal (1:929), by his son Clement who was a member of the House.

¹ For the names of the printers see Nicholas (p. 138).

^a By Henry Burton; printed by Michael Sparke, who is evidently the witness. See *Cal. St. P. Dom.* 1628-29, p. 364.

^b By the same author.

¹ This work we have been unable to identify; probably it was never printed.

¹ This also was probably never printed.

^k *God noe Imposter nor Deluder*. London 1629.

¹ This was probably Prynne's *Healthes Sickness, or a compenduous and briefe discourse proving the drinking and pledging of Healths to be sinful and utterly unlawful unto Christians*. London 1628.

^m This was undoubtedly the book first published in 1592 under the title *The Wonderfull Combate (for God's Glorie and man's Salvation) betweene Christ and Satan, opened in seven most excellent learned and sealous Sermons, upon the Temptations of Christ in the wilderness*. There seems to have been some trouble about publishing at that time. The sermons were republished in 1627, evidently not without difficulty. See Bishop Andrewes's *Minor Works* (Library of Anglo-Catholic Theology, Oxford 1854) Appendix B.

Councill. *The Baytinge of the Popes Bull.*^a for printing of that he was forced to fly.^o

A Subcommittee named to consider of the Printers petition. To morrow Court of Wards.^p

MR. SHERVILLE reported about the 4 pardons: who solicited and who procured the Kings hand.

The Subcommittee have examined five witnesses: Mr. Allison: Lawton: servant to the Bishop Winchester: Harris a clerk of Sir R. Wolseles office: and Baldwin.

Sibthorpe and Cosens pardons: Allison declared that hee by the direction of Mr. Attorney having ingrossed the pardon that Sibthorpe solicited the prosecution of his pardon, and delivered it to him and sayd he wold carry it to the Bishop of Winchester for his hand: whom he sayd had gotten the Kings hand to the other of Manwaring and Mountague. Blackstone sayd that he came to Mr. Allison for Cosens pardon: and carried it to the Bishop of Winchester: who asked why the Kings hand was not to it: who answered that he wold carrie it to the Bishop of Winchester: a speciall friend of his. He left the pardon with the Bishop: and coming for it agayne he sent him to the signett office: where he had it under the privy seale: and Baldwyn thence to the great seale. Lawton sayd: that Bishop of Winchester delivered him Cosens and Sibthorps pardon to him to bring to the signett office: that the Bishop sent word to Mr. Gall of the signett office: that he gott the Kings hand.

The pardon of Montague: Harris a Clerke sayth that he borrowed the Bill signed to prepare it for the greates seale before they had the privy seale for dispatch: and upon that bill it was entred that Winchester gott the Kings hand.

Manwarings pardon: Baldwin was desired to sue out his pardon: coming to the signett office with the drawn bill signed was stayed there because he cold not tell who had procured the Kings hand: he went to Allison who told him that Bishop of Winchester got the Kings hand.

Harris sayd that he borrowed the bill signed for Dr. Manwarings pardon: and beleveith that the Bishop of Winchester[s] name was indorsed to have gotten the Kings hand.

MR. ALLURED: remembered that at the Committee Blackstone confessed that the draughts of the pardons were ready before the Attorney had any warrant at all.

MR. CROMWELL: related from the mouth of Dr. Beard: concerning a sermon he preached by way of rehearsall at Spittle when Winchester was

^a By Henry Burton. In the B. M. Catalogue this is marked "London [?] 1627," but it must have been printed there for it appears in the Stationers Register for 26 April, 1627 (4:142).

^o Cf. Nicholas (p. 138-39).

^p Selden had moved "that a law may be made on this" (True Relation p. 59). Evidently his motion was rejected and instead the whole matter was referred to a select committee.

of Lincolne. He was to rehearse Dr. Alablasters sermon: who had uttered somewhat that he conceived to be Popery. Winchester sent for him, and charged him not to deliver anything by way of opposition agaynst Dr. Alablasters: by virtue of his canonically obedience. He went to Dr. Felton Bishop of Ely and^a charged him, though he was not his Diocesan: yet he charged him as a minister to oppose it: which Dr. Beard did: and was sent for by Neale, and was exceedingly rated for what he had done.^r

MR. SHERLAND: spake much unto the Credit of Dr. Beard: as an orthodox man.

SIR ROBERT PHILLIPS. Dr. Marshall had the same conference he had with Dr. Moore:^s about the same tyme: to persuade him to not to preach agaynst Popery.

SIR JO[HN] JEPHSON: that he had hard it from Bryers: and Gadston: who were ordered to be sent for to the Committee.

MR. KIRTON: that Dr. Marshall might be sent for: to justify that the Bishop where he skips over Bishopricks he would leave a style of Popery behind him.

SIR ROBERT CRANE: informed that Cosens when he was of Caius Colledge at the tyme of receiving the Communion was reading on a booke: which had to title *A Preparative to the Masse*.

MR. WALLER: that Cosens came to the printing house and put of[f] of the book of Common Prayer: the word Elect^t and for minister put in Priest.^u

SIR MILES FLEETWOOD: that he saw yesternight one of the books of Common Prayer lately printed: which they call Mr. Cosens booke.

SIR MILES FLEETWOOD: we do all labor to vindicate Religion and the Church from those disturbances: we are fallen upon 2: Roman Catholiks and Arminian Sectaries: in this later: we have made a solemne vote: now to fal into consideracion of the person and matters that hath bene the occasion of this stir. The person is Mr. Mountague: the matters in 3 heads. 1 for scisme and error in doctryne. 2 sedition in poynt of state: 3 an agravation resulting out of these 2.

1. His Scisme: the fondacion drawne from his books. His answer to the *Gag*:^v *Appeal to Cesar*:^w *Invocation to Saints*.^x In these are

^a who conveys better the meaning.

^r This is Cromwell's first recorded speech in the House of Commons, and the only one known before Nov. 9, 1640. That it is so fully recorded in all three accounts is significant.

^s This must mean, Dr. Marshall had the same kind of conference as he (Beard) had, and so had Dr. Moore. Cf. True Relation (p. 59), and Nicholas (p. 139).

^t Cf. Nicholas (p. 139-40).

^u Nicholas (p. 140), follows this with a resolution ordering Richardson, Heath, and Thomas Wryte to be sent for to give testimony against Cosens.

^v Matthew Kellison's *A Gag for the New Gospel* was answered by Montagu's *A New Gag for an old Goose*, London 1624.

^w *Appello Caesarem, a just Appeale from two unjust Informers*, London 1625.

^x Montagu brought out in 1624 *Immediate Adresse unto God alone, first delivered in a Sermon before his Majestie at Windesore, since revised and enlarged to a just treatise of Invocation of Saints*.

doctrines repugnant to the Articles of our Church: wherein he hath offended agaynst the Law.

2. He hath introduced doctrines and superstitions of the Roman Church. He hath published that the Roman Church remayns firme upon the fundacion of the doctrines by Christ.^v

3. Derogated from the Church of England by scandalous speches agaynst worthy Doctors of our and reformed Churches^a and spoken scandalous spech of preching etc.

Hee hath published many passages to the dishonor of King James who was ever desirous to stop these errors.

2. That when noe place for sanctuary for protestants to repaire but here, he hath brought a faction which doth us much hurt. He hath cast puritan upon the Kings best subjects to bring them into jelosies with the King. These divisions have soe distracted men that even they are much wavered: that now it is generally spoken of the Arminians: and Catholicks: may grow much to the danger to the Kingdome. Last his pardon: seek to be and think to be restored to the purity of our religion.

MR. PYM remembered one Dr. Lindsey lately made Deane of Lichfield Chaplin to Winchester who mentayned falling from Grace.^{aa}

MR. WALLER named Dr. Gifford for an Arminian.

SIR WALTER EARLE named Bishop White.^{bb}

SIR NAT[HANIEL] RICH moved for a subcommittee to bring what had bene in dispute into order: for a report: either matters of fact: or reasons concerning Religion.^{cc}

FEB. 12

Upon my motion: it was ordered that Ed: Greg, and Rob: Gregg shold be sent for to be here upon Monday Sevensnight to answere there Contempt in executing there patent for being Commisioners in all Commisions issuing forth of the Exchequer at Chester: after it had bene condemned in the house.

2.^o An Act for the enabling of Edward Hamond for sellinge some lands for the paying of his debts and preferment of his children in Essex. Committee: Monday. Court of Wards.

^v The reference is perhaps to this passage in *The Appeale to Caesar* (p. 113): "The Church of Rome is a true though not a sound church of Christ, as well since as before the Council of Trent; a part of the Catholic, though not the Catholic Church."

^a Montagu in many places spoke slightly of Calvin. He refers to the Puritans on one occasion (*Appeale*, 72) as "the Party of a Faction that hath so long had a Schisme on foot against it, to bring in Genevanism into Church and State, wholly, totally, were it possible."

^{aa} Whitacre's speech recorded by Nicholas must have followed Pym's. This was Laurence Whitacre best known for his diary of the Long Parliament.

^{bb} Cf. *True Relation* (p. 60).

^{cc} Upon the speaker's resuming the chair Pym reported from the grand Committee of Religion and the House resolved that letters should be sent to Dr. Beard and Dr. Marshall to come to the House and testify against the Bishop of Winchester. C.J. 1:929.

Sheriffe Acton was called in, being brought by the Livetenant from the Tower: and at the Bar upon his knees; the Speaker told him that upon this his submission the house was pleased to release him from his imprisonment: yet soe as they had referred him downe to the Committee; where they expected he shold answere playnly and fully that he incurre not the further censure of the house.

He desired the house to forgive him his offence: he desired there good opinion and to take him into there favour.

Tunnage and Pondage

SIR JOHN ELIOTT reported soe much from the Committee of the marchants busines as conduced to Tunnage and Pondage, as the seizing of the goods, the imprisonment: denyed Justice: but this wold require dispute: and left of.

Soe much as concerneth the pretended legall proceedinge in this Case.

1. A Commision 26 Jul. 2 Carl R.^a wherein divers things observable. It is granted to the Lord Tresurer: Commisioners for Tresury: Barons of Exchequer: Customers and officers of the Ports and Customhouse. In this Commision the grant takes notice, that it was not granted by Parl[iament] but had bene thought upon^b and cold not be perfected: yet directs that those dutyes shold be collected and tendered till by Parl[iament] it may bee settled.

Next: noe authority to wage, but to levy; and to commit all persons who shall disobey: and to kepe in prison till they conforme and pay: and upon this they first grounded there proceedinge.

Next thing; a grant or farme to Sir Pal. Pynder: Sir John Worstam: Ab. Dawes: and others 13th Mar. 3^o Ja[cobi]:^c this granted for two thousand pounds disbursed to the Kinge.

Another grant 31 Dec. 4 Car. for a yeare to begin at Christmas next. After the first patent in that tyme comes all the questions. The Customers by this patent when the marchants exported ther goods in severall bottoms, they demanded tunnage and pondage. The marchants sought by Law to redresse themselves: and Mr. Rolles and others took a Replevin out of Chancery: upon that the Customers to prevent execucion went to Mr. Attorney: he to the Exchequer: there the Customers made an affidavit: that when they understud a Replevin brought, they say that those goods are in the Kings Storhouse layd up for the Kings use, and were

FEBRUARY 12.

^a Rushworth (1:641) cites the King's letters patents dated 26 Junii 2 Caroli which "by the advice of his Privy-Council, did declare his Will and Pleasure to be, that Subaidies, Customs, and Impost should be levied in such Manner as they were in the Time of King James, until it might receive a settling by Parliament." It is evidently this same Commission which was read on the 20th. See Grosvenor (p. 226), True Relation (p. 86).

^b Cf. Rushworth, 1:413.

^c This should read Caroli.

retayned by warrant of the Kings privy seale: and they stayed them only for the Kings use: and had noe other right: this begott an order reciting the Affidavit, and sayd that it was the usuall course of that Court in al things concernge the Kings revenue to stay all suits in other courts: and that noe ministers imployed about his revenue to be sued in other courts: and that it was not seasonable thus to be determined but fitt to be settled by Parl[iament]. It was ordered that the sheriffs shold not make delivery of any goods upon that or the like writt: that the Sheriffs shold continue the Customers in possession of the goods and the marchants had only to shew cause to the contrary. 13^d No[vember] 4 Char. an order. The marchants were hard by there Counsell that begott another order: reciting the former procedings and concludes, that the marchants shold not have the goods nor sue elsewhere: soe they were bound up. 30 Jan: another Replevin taken by Mr. Chambers out of the Sheriffs Court: Mr. Attorney made a motion in Exchequer where a new order for stay: soe they could have noe justice and now they come to this house for Justice.

Ordered that the Commisions, orders and all such procedings in the Exchequer shold be read in the Committee for Tunnage and Pondage: and there to be considered of.

The Grand Committee for Tunnage and Pondage

Mr. Sherfield in the Chaire

MR. WALLER: as an Incident and a groundwork preferred a petition from Mr. Chambers: Mr. Fockes, and Gelman marchants which was read by the Clerk: that wheras they had complayned of the Customers for detayning there goods, that 9 day of Feb[ruary] when a Committee was about the busines, they were served to appeare in the Star Chamber to answere in a short tyme: moved to have the busines spedely examined: and some course to be taken for ther goods.

The petition referred to the House.*

MR. SELDEN: to consider (thinking of the Sheriffs and Customers and Exchequer Acts) to seek out a course in this narrow tyme of the Tearme how to right the marchants.

SIR JO[HN] ELIOTT. These men have some of them 7000£ of goods others 5000£[†] detayned: which hinders both there and the Kings profit: that they cannot drive a trade with soe great a stock. Moved to think of some Course to bring them to the possession of ther goods from which they are kept by a pretended legall course. The Exchequer the Rub: there orders brought on by motion of the Attorney: and he by the

^d This is given as Nov. 27 in Nicholas (p. 141).

* For the resolution of the House, see Nicholas (p. 141).

[†] Cf. Nicholas (p. 141).

affidavitt of Customers: the order sayth they stay those goods for duties* to the King and noe other interest: wheras it appeareth they had an interest by the Kings grant: having farmed it: and they expressed at the Committee that they meant the subsidy of Tunnage and Pondage.^b I conceive that if the Barons if they understud this they would give way to ther relefe. Moved for a message to the Exchequer to open these things to the Barons and to move them to retract this error by them done.

MR. WANSFORD: fitt to right the marchants: for we are all wounded in them: yet for the way I would not have this house move any thing in wayne: If the Judges give us not satisfaction are noe nearer our ends or the marchants there goods.

He hoped that if we proceeded temperately there wold be a course taken to repayre this wound by removing and cancelling all Records and such orders as prejudiceth us.

MR. CORITON: for restitution.ⁱ

MR. KYRTON: it is agreable to Course of Parl[iament] to send to a Court of Justice with our opinions: the affidavit sayth *for duties* they expressing ther meaning to be Tunnage: to send to the Judges and therby we shall try ther Justice: and if they doe it not: we know what to doe.

MR. STRODE: 1, necessary the marchants shold be restored to ther goods before we give them away: for fitt they shold know ther owne before they give it away.

SIR HU[MPHREY] MAY: that he hard from Mr. Coriton a word of ill Counsellors which word may make a bad impression.^j Mr. Chambers was the first man who denyed this duty: he was sent for before the Counsell: ther mayne end was to bring this question peaceably to this house: never Counsell proceded so mildly with a man. That he refused to pay them because they were not due. That he had payd them before in his owne wrong and wold pay them noe further. We desired him not to stir this question but to leave it entire to the Parli[ament]. He sayd noe but if the Parl[iament] gave it he would: we promised him if the Parl[iament] did not give it we wold repay it: we told him the Kings wants. I will not tell you his high words yet for which he was Committed: we went legall wayes; and when you examine the [Ex]Chequer Cources you will say they did it legally: and if I had bene in the Duchy: I wold have

* By duties is here meant the old customs which belonged to the King by common law.

^b As was made clear by Eliot's report the grants, or leases, to the farmers were based on the Commission of July 26, 1626 which was for the receiving of Tonnage and Poundage. Eliot's point is that if they can maintain that the goods were held for Tonnage and Poundage, then they can insist that the men held them as farmers and so they can be prosecuted in the courts as they could not if they had acted as the King's agents. Nicholas is clearer here than Grosvenor.

ⁱ Both Nicholas and True Relation give this speech. Nicholas leaves out the criticism of the King and his "wicked ministers."

^j Grosvenor omits May's thinly veiled allusion to the possibility of a dissolution of Parliament. See True Relation (p. 61).

kept the King in possession till evicted by Law: as in private custom of Common [Law] wher possession hath bene. The Interruptions given were so combustibile as enough to [have] fired this house and the Kingdome.

SIR THO[MAS] EDMONDS. I have hard to grieffe with what strong sense this house apprehendes the course taken with marchants about the taking of the ancient duties of tunnage and pondage: I declare ther ingenuity of my hart without straying to defend an unjustifiable matter. I am sory of the mistaking of his Majesties intention to take this as his right of inheritance, but since this question was to bee determined in this house shortly why shold these few violent men oppose that quiet proceeding. We all would think [ourselves] hardly used to have our possessions taken from us *lite pendente*: we all know the benefitt of the petition of right, which was hardly gotten in regard of his Majesties jelesy lest it trench upon his Prerogative for which ther is due great thanks: 2ly that we use it not to an excessive liberty. On the marchants part it was *scandalum acceptum* not [illegible]. And now since his Majestie had so clerly expressed himself for the interest of the Subject: to bring this Parliament to a happy conclusion which will much depend upon the content his Majestie shal receive in our happy, moderate proceedings.

MR. CORITON explained himself of the word wicked Counsellors that the wicked Counsellor must be taken from before the King, wee are Counsellors to the King. Lett us speak here as if we never speake more, yet we may speake together in heaven, that is like honest men: and not be discouraged.

SIR JO[HN] STANHOPE moved that Sir Th[omas] Edmonds might expresse that word of excessive Liberty; which he did: that he meant the unnecessary stirring of this question.

MR. WALLER. The sole of the Commonwealth Religion: the body is the Entercourse betwixt man and man: ther is obstruction in the Liver: which suffers the blood from free passage. The Customers have abused the King in his Custome and Revenue, and are the cause of the Stop of trade and it is not the marchants: for it is not these few but 500 more that are discontented. Trade upholds the King and Kingdome as wel as by the Plow: this fitt to bee cherished: the proceedings in the exchequer stops this proceedinge.

SIR ROB[ERT] PHILLIPS. Consider the busines, 2 the waies of proceeding. The busines into 3 parts. 1 the Detention of the Marchants goods: 2 the obstruction in a court of justice put upon the mar[chants] in the way of recovering ther goods. 3. injury done to the Kingdom and this house and then the informacion of Starr Chamber. Moved: to resolve upon debate to sum up together those particulars spoken of to form a declaration of the Injury done: to informe the King that contrary to his owne declaracion, a bill in Starchamber to clayme it as due. Fitt

to have the goods restored: which will be honorable to the King and quicken our affections.

MR. NOV: The hindering of the marchants from ther goods is the hindring of tunnage and pondage. They are the greatest hinderers of this Tunnage who have labored to take it whether men will or noe.

An ancient Duety, and noe inheritance are words I understand not: while I give it is a duty: after not: If I offer another man a gifte, which he taketh as his owne before, I deceive him.

Tunnage granted to King James during his life: since when divers informacions of offenses done *contra formam* statute: I never knew that statute: but it is grounded upon that of 1.^o King James:^k some Judgments have bene given upon those informacions but where ther hath bene any opposition, ther hath bene noe judgments: and we must remove these which will be evidences in after tymes: till these be removed we cannot grant: for it will be rather a confirmacion: and till then I wold not grant it: for I wold neyther be deceived nor deceive him to whom I grant it: as they doe that tell him of his right: fit to goe on with the busines, but to expresse in the bill that it is noe inheritance, but a free gifte to remove all those obstacles and declare the right of the subject: if they that must have it will take it as we can grant it, it is well: if not we cannot help it.

MR. SELDEN, liked not to goe to Bill before this and many other things were rectified: and the informacions and judgments upon record, that these are due by act of Parl[iament]. 4 Courts have it upon record that it is the Kings already: what shold we trouble ourselves for that which is his already. The asking of his owne is noe excessive liberty. Moved for a message to the Barons that wheras such men had sworne before them that the marchants had refused dueties; which the Customers had delivered before us that they meant tunnage: they wold eyther beleve ther testimony before us, or send for them: and if they find it soe to alter ther order, etc.

MR. SOLLICITOR: liked not sending to the Exchequer, it would bee to the dishonour and the quiet of the house, for if any rule be given in any Court: they will presently fly hither for remedy: moved that by a usuall way by Counsell they may be moved to alter ther order.

SIR EUBALL THELWALL: from this house in 18 Ja. a message sent to the Court of Chancery by the Erle of Dorset, that in the Case betwixt Sir William Pope and Sir Ge[orge] Marshall that the Court wold proceed not further. It was obeyed and they proceded noe further.^l

MR. GLANVILLE. Those objections are upon us by record to be removed. Acts speke more strongly then words and protestacions: to

^k 2 Jac. cap. 33. Tonnage and Poundage had been granted for James's lifetime.

^l See *Proceeding and Debates of the House of Commons in 1620 and 1621* (Oxford, 1766), 1:340-44, 364.

say it is a free gifte and yet to take it by act without grant will be judged by the acts in tymes after: take this of first. The most wary meanes to preserve the honor of the King and of the Judges with our owne. Judges have 2 capacities of knowledge. Judiciall and extrajudicial, the first in ther courts: 2 out of ther courts. H. 4 put to his chef Justice: If a judge see a man kill one: and the Jury find another guilty: he must give judgment of that but relieve the other for mercy.^m

MR. LITTLETON: noe Judge in the Kingdome will aver the right in the King. I wold nether goe to the King nor to a Bill. If we goe to the Barons: eyther they wil tell us that the matter of right they question not: but for possession the King hath the right of other subjects and if in the Kings possession, we must goe by a mannerly way, by petition: but 4 Ed. 4 and 7^o Sir Thomas Littleton: a Judge: I am indebted to a man by bond: the King commands me to pay that money. I ow[e] another to him. I doe so, yet he shal have remedy agaynst me. Not fitt to give till we know what to give. To send to the Barons.

MR. NOY. That the marchants shold be appoynted to make a mocion to morrow before the Barons by ther Counsell: that they wold declare what duties are to be payd that they wold pay them.ⁿ

SIR JO[HN] COKE. The grounds upon which we goe is upon this affidavit: which we say was meant by tunnage and pondage: to examine this whether the ground be true or not.

MR. GODFREY: that further note that Tunnage and pondage is not due till it be granted by Act of Parlament.

By question resolved to send a message to the Court of Exchequer by some members of the House.

Mr. Selden: Mr. Littleton, Mr. Glanville, Mr. Noy named to drawe the forme of the message unto the Court of Exchequer presently in the Committee Chamber: and to returne it.

SIR DUDLEY DIGGS. To consider that all the miserys that have falen upon us in this Kingdome hath bene since the dispute in this busines: other subsidies are degenerated: the benefitt comes from the power sent,

^m Lowther (p. 70) summarizes the committee discussion without giving names but evidently depends chiefly upon Glanville. "Wherein is taken into dispute, touching the bill of tonnage and poundage, with all the incidents unto it: and therein as an incident the judgment to stay the execution of a replevin for the delivery of the goods, and also the information in the Star Chamber against the merchants sitting the parliament. For the first the Judges have two capacities, one judicial, another extra-judicial. We know the common case: the Judge seeth one man kill another and the jury findeth another; the judge being asked what he would do in this case, who answered he might give judgment according as the jury found, but he would move the king to pardon him; who much commended the uprightness of the law. And this case in the Exchequer: here was an affidavit true in one respect but false in another, but they gave their judgment according to the matter before them. The words were, that the customers took it for duties due to the king, which might be true and false. But when we send to them to inform them truly it may be reversed, and then the replevin may have its proceedings, for they have now declared that those duties were intended for tonnage and poundage, which cannot be any duty due, but there might be some old customs which might be said duties."

ⁿ See Nicholas (p. 143-44), for a clearer statement of Noy's point.

the rich are eased: that from marchants came from the rich: from what is exported: it is from those who have to sell: if imported from the marchants, who are rich men. Since this stop such an interruption of trade. Ships ly Idle the stock idle: mariners idle. If these men be restored, if the records be taken of[f], will not that make his Majestie[s] jealesie great and make necessary him to use his power and [illegible] upon us.

SIR JO[HN] COKE. Till this busines be settled our Coasts are unguarded: our ships not at sea. Was glad to have soe good expression of gen[era]l harm.

MR. BROWNE. The strength of the King in the harts of his subjects. They doe the King the greatest disservice that persuade the King to take that agaynst the good will of the Sub[jects]: which they are willing to give in a legal course. A Curse upon all such as shall infringe the Liberty of the Subject.

SIR DUDLEY DIGGS. In this busines I moved in 18 [James] that those things shold not be¹ passed over. I moved that all the ports might farme ther owne Customes.* Whatever we give of our standinge revenue, can doe no good except the Charge be regulated: and that can not be done but by parliament: and not to give to private purses which can never prosper.

The 4 gent[lemen] returned with the message which they had concluded of. It was read.

The Message

Wheras upon an Affidavit made in the Exchequer the last michalmas by Sir J[ohn] Worsham, Abram Dawes and Richard Carmarthen, a copy whereof is hereunto annexed at the motion of his Majesties attorney generall it was by that Court in the bill then ordered that John Rolles in the [blank] shold not fur[ther] procede in the replevin according to which alsoe and upon the said grounds an other order likewise annexed made by this Court in this Hillary tearme [illegible] who secured like remedy for wools likewise seized [blank] And wheras the Commons House of Par[liament] upon examinacion of the matter of which complaynts by authority [blank] What they meant in the affidavit by those words the Kings duties have every of them declared that they were tunnage and po[undage] and other duties in the book of rates.

This House hath therefore tho[t] fitt that a message be sent wherby notice may be given [blank] that soe the Court [blank]

The expediting wherof this case doth much concerne the advancement of his Majesties service.

Sir Hu[mprey] May, Sir Robert Phellips, Sir Nat[haniel] Rich, Sir Fr[ancis] Cottington named to be sent with this message to the Barons.

¹ *pardoned*, crossed out.

* For Sir Dudley's motion and its reception in the house see *Proceedings and Debates of the House of Commons in 1620 and 1621*, 2:154-55; also Harl. 7208, ff. 171-171 verso; Add. 26,637, f. 100 verso.

13 FEBR.

Ordered that I^a shold give intimation to Mr. Radcliffe, and Mr. Whibie that the house expects there attendance here.

An Act for the settinge and establishing Sundrich the manor of Kent to Thomas Browker agaynst a patent of concealment lately granted Georg.^b

MR. PYM: moved that the petition agaynst Mr. Burgesse vicar of Whitby might be reasumed and 4 new articles agaynst him preferred drawne: one that he reported he could not gett a copie of the articles agaynst him till such tyme as he procured a frend to counterfett himself a Puritane and then gott them: 2. that reading the Canons sayd that the Puritans were greater Traytors then Campion^c or Harding,^d that cominge by a parishioners house, and hearing them sing psalms: kep a yelling, and scoffed at that holy exercise.

Ordered that he shold be sent for to answeare: all referred to the Committee of Grevances.

SIR JOHN ELIOTT. The marchants move, that this day being there day of apparence in Starchamber, that since they ought to have ther priviledge, that ther may be an intimacion to the officers of Starchamber that they incur no danger of attachment for not appearance. These are Mr. Rolles of this House: Chambers: Fowkes, Gelman.

MR. SELDEN. There case is this: that these marchants were served with a suppoena at such tyme as they attended the Committee about a Complaynt of the same matter for which they complayned to the House. Moved that an order be made for ther priviledge, and this shewed to the officers of Starchamber.

SIR NAT[HANIEL] RICH. That privelidge for ther persons was due: but for the suite although he cold not determine it for the present yet he inclined that in this case it was due: wished to refer it to a Committee.

Ordered that Mr. Rowles shold have priviledge, and all the rest Mr. Chambers, Fowkes and Gelman shold have priviledge for their persons. And Phillips: the Sheriffs officer. The other part whether priviledges be to be graunted from suits brought agaynst them.^e

Ordered that ther shold be a signification given to the Lord Keeper that these 4 in regard of the priveledge granted them by the House are not to have any attachment taken out against them.

FEBRUARY 13.

^a "Intimation to be given by Sir Richard Grosvenor unto Mr. Ratcliffe and Mr. Whitby for their attendance here." C.J. 1:929.

^b George Fowch. C.J. 1:929.

^c Edmund Campion the famous Jesuit executed in 1581.

^d Thomas Harding, a champion of the Roman Church during Elizabeth's reign and noteworthy for his controversies with Bishop Jewel.

^e A committee was appointed to consider what privilege be granted to Petitioners. True Relation (p. 63); C.J. 1:929.

SIR HU[MPHREY] MAY reported: that they had according to command bene with the Lord Treasurer: and found with him all the Barons but Baron Vernon: and told them that in the discussion of Tunnage they found a stop to be some orders and injunction of the Court for stay of goods. Ther answer that the busines was serious, that they wold take it into consideracion: and with speed returne such an answer as became them.

SIR HE[NRY] MILDMAY moved to goe to the matter of Religion: and let not that be taken up with other matters.^f

SIR DAN[IEL] NORTON acquainted the house that Dr. More was attending at the doore: who was sent for up to witness agaynst the Bishop of Winchester.

Dr. More called in: and at the Barr being demanded by the Speaker what Conference the Bishop of Winchester had with him about his preaching: Dr. More desired that he might answer to Interogatives more free from exceptions, confessed that the Monday after Dr. Lamb dyed^g he had conference with the Bishop, that taking advise whether he shold goe to him hearing that he meant to question him about a sermon. I went: and found with him the Bishop of Ely that now is: when he came first he told him that he came to present his duty to him: he told me he hoped I had brought a Coppy of my sermon. I hoped he wold not have called for it. He sayd that better to give it then to be wrung from me. I have learned from Sir Huston *aut a nobis aut de nobis*. You have pleased King James with some pretty passages agaynst Papists but you must not preach soe now. I had bene related to the King as though I preached his actions weak and childish: and the Dukes action at Isle de Ré inconsidera[ble]. The Bishop told him his brother preached agaynst the high Alter. The Com[munion] Table stood before like a Table in an Alehouse: I sayd as it was appoynted by Statute. He sayd: that Statute was repeled in Q[ueen] Maries tyme. I said it was restored in Q[ueen] Elizabeths tyme. The Bishop: The Quenes Injunctions hath the force of Ecclesiasticall Constitucions which he sayd gave command to sett the table as alters: this is an inlett to many superstitions.

SIR THO[MAS] HOBY: That he shold be called in: and asked what he meant by those inlett to superstitions: being called in he answered: that in Winchester he was an ey[e] witnes of some things. The seats in the Quire were taken out of the quire. And an order brought that at the singing of *gloria patri* every man injoynd to stand: for which noe law canon nor constitution. Great Candlesticks brought in, higher then I am: those used by Queen Mary when married to King Phillip. An

^f According to True Relation, at this point in the proceedings Secretary Coke was ordered to notify London and Westminster about the Fast.

^g This must be Dr. John Lambe, astrologer and admirer of Buckingham, who was killed by the mob on June 13, 1628.

injunction that Candlesticks shold be abolished: this to out-face the Communion table. A Cross made upon the table, and napkins in his own house: and obeysance made to it: but this concerneth a particular: Dr. Theodor Price; made severall crosses: at the foote of one a Cup of Sacke, Ale, other march beare, Ale, Beare and Clearitt.^b

Dr. More to deliver his testimony in writing.

The House resolved into the Committee of Religion

Mr. Pym in the Chaire

SIR WILLIAM BULSTRODE. Was the finding of a Babilonish garment soe great as cold not be reconciled till the thing executed without the law: and that the Babilonish garment of Rome. The Court infected. Mas there.ⁱ To move the King that none of his owne kingdome of that Religion to tend in Court.

Citacions James I

tyme six weeks

former procla[mation] 7 July

trust in promises

what good hath this our Zeale brought to religion^j

It is read.

SIR RO[BERT] PHILL[IPS]: spoke of the encrease of trators beyond Seas: from 2 to 40 popish seminaries.^k

We have special charges at Wisbech,^l but no good Courts.

Moved that the Clerk look up all petitions of Religion: and then bring them that with these addicions that wee shall find cause we may frame such an humble petition to shew him noe way of safety to him till we be reconciled to God; that there is never a Jesuiticall Papist in England but is a more fast Subject to Spayne then England.^m

SIR JO[HN] MAYNERD. An old proverb when a mans neighbors houses are fired: tyme to look to ourselves. In Scotland: Papists very insolent favored by the perpetuall Sheriff. They were punished by the magistrats. His Majestie gave them thanks for it.

^b Cf. Nicholas (p. 144). Lowther gives Moore's relation as follows: "That he [Moore] going to him [the Bishop of Winchester] after some conference had said that he [the bishop] had heard him [Moore] preach some pretty things against papists in King James his time, but he must not do so now. That you [Moore] have a brother that preacheth against bowing at the name of Jesus and the altar. For changing the communion table, which he commanded, for he said that the table before stood like a table in an ale-house. In private houses crosses used by napkins and profaning it by setting cups of wine, beer, ale, at every corner."

ⁱ Nicholas (p. 144) and True Relation (p. 64), elaborate on the masses at court.

^j These isolated phrases—beginning with "Citacions James I"—are evidently Grosvenor's notes of his own speech. See his speech as recorded in detail in True Relation (p. 65-69).

^k i.e. the number has increased from two to forty. Nicholas (p. 145).

^l Wisbech Castle, where recusants were confined.

^m Grosvenor's notes of Phelps's speech are poor, perhaps because he had just sat down after giving his long report. Cf. Nicholas (p. 145) and True Relation (p. 69-70). True Relation follows this speech with one by Coryton.

SIR JO[HN] HOTHAM: That the Atturney had written letters into Yorkshire for stay of proceedings: moved they shold be brought in.

MR. LONG: Hee that is not warme at hart in this quarrell: is a very coward: we have bene like seamen, have bene far of[f] at first we must grapple: and come nere. Within 3 or 4 dayes after the Lord Keepers Declaracion were preists released. 2 things: 1 a narracion of the state of Popery. 2 The Countenancers of them to procede agaynst.

MR. SELDEN: To procede thus: to goe on with these particulars: and determine of that particular first: and so proceed to the rest:

1: that there were priests at Newgate one arrened; and in respect of some defect in him who tooke evidence: was found not guilty. One was condemned: these 10 priests came not thither as priests from severall places taken: but they had begun a colledge in England and soe were to settle themselves as members of a monestery, that they wanted little of conclusion: the name of the house: *Domus Probationis* etc: who ever encouraged them, may be fond out: etc.

In Ireland as many monesteries and houses as beyond sea.

SIR DUDLEY DIGGS: we have had good answers: but till particulars open his Majesties judgment, we are not likely to have particular remedy. 4 archbishops in Ireland: for every bishop they have over 800 clergy men: imprisonment at Wisbech dangerous.^a

SIR JO[HN] COKE: that a discovery^o was made by some ministers of State: that evident marks of a Colledge: as reliks of Ignatius and others: at Clerkenwell. His Majestie took it to hart: commanded me to represent it to the Consell board, and that they shud proceed according to Justice: the particulars were digested into order: the legall proceedings to Mr. Atturney: to send the priests to Newgate: then to proceed. The Atturney recommended it to some Justices of Peace: what hath been done since I know not.

SIR FR[ANCIS] DARCY: at Newgate there were 5 Judges: these priests first 3 broght: one condemned: other 2 clered: then the rest were brought in being about 10: the oath presented to them: they desired tyme: but the oath being shewed them: they refused. The next sessions was expected these men shold be called agayne: but came not they were bayled: but by whose meanes he knew not.

MR. LITTLETON: to send for Mr. Long a Justice of Middelsex, he is likest to give full satisfaction.

^a i.e. dangerous to the state.

^o For the story of this discovery see *Discovery of the Jesuits' College at Clerkenwell in March 1627-8* (Camden Misc. vol. 2) and *Supplementary Note to the Discovery of the Jesuits' College at Clerkenwell* (Camden Misc. vol. 4).

Some gentlemen were sent from the Committee to Newgate and Mr. Long to see all the warrants^p etc.

FEBR. 14

A petition from Alexander Burgesse agaynst the Lord Lambard^a a deputy Livetenant for imprisoning him in the Stocks from 8 till 9m for refusing to pay a tax^b layd upon him and others since the last session.

SIR JO[HN] ELIOTT: that the Lord Lambard may be sent for to give his attendance here: and to answer this complaynt.

SIR RI[CHARD] BULLER undertook that he shold be here the next weeke if he came not this day: but the house resolved by question to send for him to answer the complaynt.

MR. PYM: moved that

The pace of Justice to bee ordinary swete and slowe; yet severe. Not to send for him but to give Sir R. Buller, to give him notice.

SIR JO[HN] HIPPESELEY desired leave of the house to goe to the Lords to answer a complaynt made agaynst him: but the house having formerly ordered he shod not goe up upon payn of expulsion^c wold not suffer him. For^d a member of this house ought not to be punished by the Lords: but by his peers in this house.

SIR R[OBERT] PHILLIPS: not to let him goe.

1 An argument of lightnes, when after soe positive an order.

2 the generall interest of our right for till 18 Ja: a Commoner was never questioned or judged by the Lords.^e

3 from the probable disservice it wold doe our members: for the reason of priviledge is that we might wholly sett our myndes upon the service of this house. Moved to lett this order stand:^f then to name a Committee to consider of our right: and to go to the Lords to challenge the same etc.^g

^p Mr. Long was examined on this same day (True Relation, p. 71; Nicholas, p. 146). Secretary Coke was called upon for the further explanation, Cross the pursuivant was examined, and Sir Thomas Hobby and others were appointed to inquire further into the matter. True Relation (p. 71-72).

FEBRUARY 14.

^a Lambert. True Relation (p. 72); C.J. 1:930; Grosvenor (p. 212).

^b The tax was "4d towards a maintenance of a serjeant to train the bands." C.J. 1:930.

^c Jan. 29. C.J. 1:924; Nicholas (p. 115).

^d Selden is speaking here. Cf. Nicholas (p. 146).

^e For the proceedings in 1621 see *Proceedings and Debates of the House of Commons in 1620 and 1621*, 1:176-78; C.J. 1:557-558. The conclusion to which the House came at that time was "that those of our House that will go to take their oaths in the business preferred to their Lordships, may go voluntarily, if they will; but are not to go by compulsion either from the Lords or this House." Cf. Add. 26,637 ff. 34 verso-35; Harl. 7207, ff. 282-85 verso.

^f This order is given only in True Relation (p. 72).

^g In this debate Phelps was followed by Strode (Nicholas, p. 147), May, and Secretary Coke (True Relation, p. 72-73).

By question ordered that a Subcommittee shold be named^b to consider of this question whether a Commoner bee to be questioned, and judged by the Lords House.¹ Monday: Starchamber.

SECRETARY COOKE: reported: that a proclamacion is ready about the fast: and the booke instantly to be ready for the forme.

SIR H[UMPHREY] MAY: tendered an answer to the former message concerning the marchants goods detayned: from the Lord Treasurer and Barons.¹

MR. SELDEN: by this answee we are little nearer to gett the marchants ther goods. Moved for a committee to take this answee, and the orders of this Court; and to examine them whether there be any such constant course in that Court: as to supersede replevins in the Kings case.²

Ordered that a select Committee be named to take this case into consideration *super totam materiam*: and to search what is the constant course of the Court. This afternoon: In the Exchequer.

SIR DAN[IEL] NORTON: delivered in writing from Dr. More the substance of what he had sayd agaynst the Bishop of Winchester.¹

Mr. Pym in the Chaire

Grand Committee for Religion

SIR THO[MAS] HOBBY reported: what the Committee sent to Newgate had done: that they had demanded the warrants by which the Priests were committed: he^m told us that by warrant of Mr. Attorney they were brought to the Sessions: that 3 of them were indicted: for priests: Moore condemned other 2 [ac]quitted: that Moore was reprieved: and received an order from Mr. Recorder the night before the execucion seconded with an order from Lord Chiefe Justice of the Kings Bench to stay execucion. That the oath of Alledgeance was tendered the rest: that the Earle of Dorset told the Keeper it was his Majesties pleasure to have them delivered: and a warrant from the Attorney: that they were bayled: and bond to answer within 20 dayes at the Consell table after warning.

The severall warrants read.

SIR FRA[NCIS] SEYMOR. I see diverse priests released from direction of the King expressed by the Lord Dorsett: he saw no direction from the King to Dorsett, moved that the Consell shold know from the King whether it was his pleasure.²

^b For the names see C.J. 1:930.

¹ "whether the Lords may receive a complaint and give judgment against any Commoner, unless he be first questioned and transferred from the House of Commons." Lowther 71.

² Grosvenor took no notes on the answer because it was a separate he could buy. See above (p. 173). For the separate see True Relation (p. 73-74).

³ Selden was followed by Phelps. Nicholas (p. 147).

⁴ For other orders passed by the House see Nicholas (p. 147-48); True Relation (p. 74); C.J. 1:930.

⁵ The reference is to James the keeper of Newgate. Nicholas (p. 148). True Relation (p. 74).

⁶ Sir Nathaniel Rich seconded this motion. True Relation (p. 75).

MR. CORITON. That these things shold not bee: Dorsett and attorney ppeare to be the men: to procede with them.

SIR R[OBERT] PHILLIPS: to examine it thoroughly and when we come to the bottom then to present it to the King fully.

SIR JOHN COKE: presented the papers found with the priests at Clerkenwell: that he had digested them: and read them.

Father Banks: rector of the colledge taken there.

1 By the Inventory of roomes

2 by the accounts of receipts

3 by ther orders for government.

They have all matters fitt for masse: a seller of wyne: beare: common porter:

S: O: there stuff marked with.

there pewter with: S. J:

They have a Journall or Clerk of the kitchens book for disbursements and expenses.

2ly a contracted account in Latine taken and allowed by Father Banks rector.

An Account of all Receipts and disbursements 227-13-2d receipts: the disbursements are the same.

1624: in Dec: they left Edmonton, went to Camberwell wher they stayed 20 months. The accounts there of expenses—137-1-5.

Totals: 346-18-1

Accounts of both houses:

ex censu foundationis..... 294£

logers..... 75£

429

574

exposita..... 205-1-3

ex elemosyna..... 250

restat in pecunia..... 160£

parata

Status rerum corporalitum domus probationis S[anc]ti Ignatii Societatis Jesu.

This is the name of the house.

From Camberwell they came to Clerkenwell: about Jan: was twelve months.

3. orders for ther government.

1. a generall direction from the superior in 13 heads.

* "Upon January last Humphrey Crosse gave intelligence to me how that great provision was carried to a house where nobody dwelt. And upon warrant to search the house they found one Laythome who pretended to be the keeper of the house for the Earl of Shrewsbury, and they found therein vaults and flars in lurking places." Lowther 71.



2. a special direction from the provincially congregacion held 1625: and this in 8 directions.
3. Special direction to the m[aste]r of the novices of this society in 6 orders.
4. directions for the minister of the Society in 3 orders.
5. observacions for all the society.
6. directions in 6 heads to the Rector: and to the Superior: the Rector is Stanhope: the same with Banks.

In 10 heads the faculties granted to this society.

That the Bishop of Rome hath set the Bishop of Calcedon over the clergy of England.

Directions in what manner they should answer any questions about goinge to Church etc.

A list of all the Jesuits in the province.

They practise ther agaynst this State: they wrote letters to others to dissuade the taking the oath:

The Sodality of the immaculat conception of our Lady: to be observed. This in little booke.

They disperse lying miracles as by 2 letters.

Directions to all Jesuits March 20

to say a masse upon that day

to commend to God a busines of great moment.

That the purpose here to make a head: a Cataloge of al Recusants who had gotten houses neare the colledge.^p

Upon the first discovery: I acquainted the King he to the board: they required this abstract: and the papers to be digested, sent to Mr. Attorney to procede agaynst them.

The Attorney recommended this matter to Mr. Long: he not so able as he should: The issue before the Judges whether priests or not: the examinacions were short.

But here appers an other issue whether these men had contracted a house depending upon the Pope. Moved that Mr. Longe called to answer what information he gave the Judges.

SIR WILLIAM BULSTROD: moved that Mr. Secretary might discover whether the Erl of Dorsett who was soe forward to release these priests was acquainted with these papers.^q

SIR THO[MAS] HOBY: that Mr. Attorney might shewe to this house what warrant the Erl of Dorset brought him for deliverance of the

^p This report which Secretary Coke read in the House had been "prepared by him for the Councell Boarde" (Nicholas p. 148), as evidence to prove that the men arrested at Clerkenwell were "Jesuits and priests as appears by their books, reliques, copes, their founders . . ." (Lowther 71).

^q According to Nicholas (p. 148), the part of Coke's report given above beginning "The issue before the Judges," was in answer to Bulstrode's request.

prisoners: If he took his word: that was dangerous: to release such men without special warrant.

SIR NAT[HANIEL] RICH: reported that Crosse was able to say much: that the examinacions to prove them priests were delayned at the tryall.

Crosse the Pursevant was called in: and demanded the issue of the tryall: and whether any examinacion was withheld: he sayd that the papers were in Mr. Longes hand, and Mr. Longe never read them nor shewed them forth: he moved that Long wold produce them: and that they might be read: he nodded at him and sayd nothing.

MR. SELDEN: at the Sessions ther were 10. 3 areyned; oath of alledgeance to the rest: evidence only for being Priests:

Querre: what was the reason that these men shold be indicted only for being Priests for that was the way to free them. There is expresse testimony in the papers that they were Jesuits; but none at all that they were priests.*

SIR FR[ANCIS] SEYMOR: that the King discontented: Religion went so backward that eyther that he wanted power, or had ill counsell given.^a Mr. Attorney hath erred in judgment if not in affection. We see how carefull the King is: and the ministers in the Country: notwithstanding which care: after commissions to inquire: letters from the Attorney to stay proceedings in the Kings name. Mr. Attorney hath put this busines of[f] from himself to Mr. Longe a man unfitt: moved to make a perfect inquisition.^b

Cross called in agayne: being asked sayd that Mr. Attorney sent the papers by him to Mr. Longe: who bad him returne with them agayne to Mr. Attorney for his hand writing else he wold doe nothing. That the Att[orney] gave him a warrant and directions to have a care of this busines: that the Clerk of the Peace drew the Indictment by Longes directions. That one of this company was discharged out of the new prison: that the Keeper told him it was by order of the Lords of Counsell.^c

One Walker the Clerk of the Peace for Middlesex was called in and demanded what warrant Mr. Longe gave him for the drawing of the Indictment: he sayd that he had non[e] for it was drawn in London not in Middlesex.

SIR DUDLEY DIGGS.

SIR JO[HN] ELIOTT: acknowledged thanks to Mr. Secretary for his discovery. Here is a groundworke to a new religion and for such as

* Selden was followed by Coryton. Nicholas (p. 149).

^a The reference is to the King's answer to the Commons Apology about Tonnage, etc. "As for the cause of delay of my business being Religion, there is none of you shall have a greater care for the true preservation of it than myself: which, since it is confessed by your Answer, you must either think I want power (which cannot be) or that I am very ill-counselled." True Relation (p. 32).

^b Cf. Nicholas (p. 149); True Relation (p. 76).

^c Cf. True Relation (p. 76).

acknowledge a forein power: this discovered: what cold be the purpose of those who interposed thus for them;^v but to give them power to execute ther purpose in some other place. The persons I loke at are 2. 1 the Atturney: of whom we heare often: and in this Cause of Religion: when he saw this cause brought to him, by direction of the King and Counsell: yet in a cause soe much concerns King, Religion, pollicy: he withdraws himself committs it to an other, from whom it cold not bee expected he shold be soe exquesite. And commission in the Attorney as well as omission.

Next named the Earle of Dorsett interposeth with the Atturney: and for reprieve of the men: for I hope that the King did not contenance his first direction: but this mans hand too deepe in this busines.^x

Moved: that Mr. Recorder^y be sent to enquire from him who gave him direction for reprivall of the priest condemned. Noe man were he an Arthor or Allodius^z can find a means to vent his malice soe much to this State as by protecting these men.

SIR JO[HN] FINCH:^{aa} moved that the Recorder shold not be sent for:^{bb} but some members sent to him: from whom they shal be sure to receive a fitting answe: and noe man from whom such kind of peple can expect lesse favour.

Sir H[enry] Martyn sent to him and Sir Dudley Diggs.^{cc}

By question resolved to send to Mr. Atturney to know whether he received from the Counsell a direction to procede according to the Instruction in those papers: whether he did proceede: what instructions he gave Mr. Longe: and then concerning the Bayle: by what authority. And why he bound them to appeare before the Counsell table: and why he had not acquainted his Majestie that these men were not bayled by law, if he received directions to bayle them.

SERJANT HOSKINS. To ask the Atturney why he gave direcion to indict these as priests: the only way to have them escape.

Another question: seeing the priests had purchased lands: why he took not care to search out this land for the King.^{dd}

Sir Fra[ncis] Seymour: Sir Robert Pye: Sir Walter Earle, sent to the Atturney.

^v Cf. True Relation (p. 77).

^x Cf. Nicholas (p. 149); True Relation (p. 77).

^y Sir Heneage Finch.

^z This must refer to the Alveidae, sons of Iphemedria by Poseidon.

^{aa} Speaker of the House.

^{bb} Because he had "formerly had the honour to sit in the Chair" (True Relation, p. 77). He was Speaker in 1626.

^{cc} "Sir Jo[hn] Elliot," Nicholas (p. 149).

^{dd} Nicholas (p. 149-50) and True Relation (p. 78) give additional evidence on the Clerkenwell case.

FEB. 16.

A Petition from Mr. Hilton of Westmorland that he was found to be a Recusant by Sir Jo[h]n Saviles Commission^a being a protestant. Mr. Hilton called in to justify his petition.

SIR PET[ER] REDDALL. This Commission the greatest cause of the growth of recusants: that John Richardson the Clerk of this Commission being now in towne should be ordered to stay here: and to bring his books with him.

A Committee named wherein my self one^b to take into Consideration this petition and compound with Recusants with all such as should have with power to send for witnesses and Records: &c.

The Lord La took notice of the petition agaynst him for setting out a house to pay a grante [as]sessed by him to be paid for a copy of the petition and tyme to answer it particul^rly.

A petition delivered by the Council of Grayes Inne gent[leman] and John Brown of middlesex about a great Estate^c left by word from [blank] Brown: which was disposed by Sir H[enry] Martyn: who reserved 6000£ for pious uses.

This was referred to the Committee for Courts of Justice: yet first that they would have him speak in the house before they proceeded.

SIR JO[H]N COKE: that he had hard Sir H[enry] Martyn have much honor in London for this busines. That he had disposed much to pious uses.

SIR WILLIAM BECHER: that he had disposed the whole 6000£: for being moved for soe much to a pious use, hee gave some, and sayd if you had come sooner you should have had more.

SIR H[ENRY] MARTYN: that when he had read the Petition, hee would give a present answer, and if in this they find him not as cleare as S[aint] John Baptist, then to think him as bad as Judas. This matter is worthy your examinacion: for if I should be such a man as is expressed in this petition: I were unworthy to be kept in my place: being known beyond sea as well as any Judge in England.

This Browne a young man unmarried dyed intestate: had many kinred. I intreated the Lord Camden who had bene m[aster] to Browne, Mr. Bateman,^d and Crashaw to take care of this Estate lock it up: and

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^a A commission for compounding with recusants in several northern counties. See *Cal. St. P. Dom.* 1628-29, p. 205.

^b For the names of the members of the committee see C.J. 1:930.

^c "50,000£," Lowther 71.

^d "the Chamberlyne of London," Nicholas (p. 150).

make an Inventory. They underwent this service, and dealt faithfully: when the accounts were made I drew the kinred together. They prayed me, that before I wold settle administracion I wold make a division. Was affirmed: that Browne sayd before his death: I wold have John Browne to have 7000£: and 16000£ to the kinred and good uses: by consent he ordered that Browne shod have 14000£, the kinred 10000£ and 6000£ to pious uses. Then I considered who shold be administrators. This Browne deceased had a sister: and was the next of kin. Yet was not willing to have Mrs. Maxwell administrator being an old, sick woman: and Gardner an aged man, a foole. I made choise of Mr. Gardners sonne* to bee administrator: without any respect to myself; but to have the estate well managed. Of this 6000£ I have distributed 3500£: the rest Mr. Gardner: the accounts are in the prerogative Court to a penny, by the same token I lost 25£ by it. All that I have forth of the estate is: a little plush for a paire of breeches: a chayre and stoole: and a Cabinett, which I wished to have for my money: but have not yet payd for it. As alsoe I gott for the Duke of Buckingham a fantasticall piece of plate: the world in a globe; upheld by an Atlas: this to my Lord of Buckingham for which they are never payd, nor never shal bee.

The Petition referred to the Committee of Courts of Justice.^f

Grand Committee for Religion

Mr. Pym in the Chayre

SIR NAT[HANIEL] RICH presented a petition agaynst some insolences done by some papists.

from William Brestree^g

Ric: Conquest

At the reading of the Petition it was observed that the house was termed *the lower house of Parl[iament]* which was disliked: and sent to the petitioners to be corrected.

SIR H[ENRY] MARTYN: reported: the message to Mr. Recorder about staying the execucion of Moore the priest: he sayd that he had given noe such order for stay: that the Keeper of Newgate came to Sir H[enry] Martyn to excuse himself for wronging this house in saying the Recorder had stayed him: he had mistaken. Thence we went to the Lord Chef Justice: to know by what warrant he stayed the Execucion of Moore: who sayd it was his Majesties Command by word of mouth to him immediately.^h

SIR ROB[ERT] PHILLIPS moved that James shold not escape, for belying the Recorder to this house: but to be punished.

* "Mr. Tho. Gardner of the Temple," Nicholas (p. 151).

^f At Marten's entreaty. Nicholas (p. 151).

^g Boldstreete. Nicholas (p. 151).

^h Cf. Nicholas (p. 151); True Relation (p. 78).

James called in: and confessed his mistakinge: that he had noe warrant or intimacion from Mr. Recorder. But he was urged by Mr. Pym: to answere: upon whose order he made stay of provisions of [*illegible*] for the execucion. He sayd that the reprieve came to him upon Sunday in the afternoone: the day before the execucion.

Ordered that James shod wayte the pleasure of the Committee: and to acknowledge at the Bar his falt and after to goe give satisfaction to the Recorder for injury in this.

MR. STRODE: that the Lord Chief Justice shold be proceeded with for soe reprieving the priest upon the Kings bare word.

SIR H[UMPHREY] MAY: that it is usual to reprieve upon the Kings command: it was ordered in Starchamber that they shold proceede to condemnation of priests: and then to send them to Wisbech.¹

SIR ROBERT PHIL[IPS]: that this was dangerous to have the Starchamber make an order for the Stop of lawes in execucion; that it had been fitt for the Lord Chief Justice to have opened to the King that this man was not an ordinary priest to proceede agaynst.

SIR JO[HN] COKE. That there was a declaracion of the Kings pleasure in the Starchamber: only noe order.

SIR JOHN STANHOPE: when Kings assemble Parl[iament] they give themselves to there counsell. We are the great inquisitors of the Kingdome: we find the state sick: few good men promoted; many ill and the worst of men promoted; some have denyed the Kings supremacy: some must have 2 pardons: all are disturbers of the peace of the Church. The Kings attorney commanded to draw a draught which he did like the issue of a Deed and sent it to the Lord Bishop of Winchester, who must pen it: I hope the King will not suffer this bad Bishop long to serve the palace and be about him. Let us looke to Clerkenwell there find Jesuits: reprieved, bayled, for nothing but denyinge to the best of Kings and men; there due allegiance: moved for a Remonstrance.

SIR ED[WARD] SEYMOR¹ reported what they had done with Mr. Attorney. That they went to the Att[orney's] chamber but not finding him there, went with Mr. Long to his house, where they received from him a letter of Mr. Attorneys directed from himself: conteyning directions to proceede agaynst the persons taken at Clerkenwell. There he directeth to proceede agaynst 3 as priests:² for the rest to tender the oath and upon refusall to proceede to conviction. That Mr. Long desired to have mett with Mr. Attorney and have considered of the evidence but they never mett.

¹ Cf. Nicholas (p. 151).

¹ Grosvenor meant Sir Francis Seymour.

² Moore, Parre, and Weeden. Nicholas (p. 152).

That they went to Mr. Attorneys house: they required him to give a satisfactory answer to such things as shold be demanded: and himself sett his answere downe in his owne hand. After he seemed timerous to deliver in that paper before he consulted with the King yet after he did.

We demanded the order of the Counsell board for prosecucion in the bonds: and warrant by which they were bayled. He sayd: the first 2 they were at his chamber, for the 3: that he would confer with the King before he wold answer.

This morning we went agayn. He delivered his order from the counsell. For the warrant and bonds that he had not heard from the King to deliver them as yet. He desired to review his paper and added somewhat. It was read.

His answer that: he sent for Mr. Long: that he was advised so to do by Mr. Secretary Coke: that he was not injoynd by the Counsell to goe to Newgate himself: that he had intituled the King to the goods. He had warrant from the King to bayle them: and must acquaint the King before he reveale the names. The bonds he took and kept them. And for the suretyes he referrs himself to the bonds: because some of them were housekeepers. That he gave noe directions to Mr. Long eyther to endite them as Priests or Jesuits, but in generall. The warrants and bonds I kept: but have not leave from the King yet to deliver them.¹

The order from the Consell board read and the Attorneys letter to Mr. Long.

SIR FR[ANCIS] SEYMOR: that the order was playne to the Attorney to proceede agaynst Jesuits: his letter to Long was to proceede agaynst Priests, and noe otherwise.

MR. SELDEN reported: that they had been with Mr. Long who confessed that Crosse came to him with the papers and directions for his proceedings. He returned him back and required warrant by writing: when he received this letter. That upon the Attur[ney's] directions he indicted them as priests: that he acquainted the Lord Chief Justice in generall: that he had diverse papers that conduced to the provinge them priests or Jesuits. In the Court: some evidence by mouth at the bar: Long considering that the matter was commended to him offered to the Court such things as he had to prove the matter in question. That the Lord Chief Justice called to him, and asked what he cold produce: he told him there agayne that he had diverse papers from Mr. Secretary and Attorney to prove them priests. Then was he urged that if he had any thing to prove priests or not priests he shold shew it. He then produced Lathams examinacion and told them that he had further matter, and that those papers wold make it appear that they had a Colledge of Jesuits: and was called by the

¹ For the full text see Rushworth, 1:657.

name of *Domus probationis Sancti Ignatii*. When he had said thus much then Lord Richardson sayd: we are upon a poynt in issue betwixt the King and these men, and be what will they must have right: and then Long stayed till the Judges had done. Then Long was demanded agayne whether he had any other matter in evidence: he sayd that in that paper hee had what wold be materiall. That Lord Richardson sayd that by discourse was to noe purpose, but to the poynt in issue Priest or no priest. That Long then told them that his papers would manifest it, and that in the house was taken vestments for Priests: and agayne offered to open his papers: there was no reading of the papers at all. The papers of 2 kinds: examinacions: and the papers brought into this house. None of the examinacions read but that of Lathams which fell to the ground of its own nature. That Long sayd that he did beleve that he had enough in his papers to have proved them all priests.

SIR THO[MAS] HOBY. That Justice Whitlock sayd at the tryall: that they were come to doe right to all.

SIR JO[HN] COKE: Mr. Long hath carried himself in this busines as a careful minister: yet wished to bee satisfied in one thing: the papers not read: acquitting of the priests followed. There was a Commission to intitle the King to there goods: they demurred how they cold find them, when the Court had found them not guilty but upon reading of the papers they found the bill. Soe though one Court acquitted them an other found them guilty.

SIR NAT[HANIEL] RICH: to send some severally to the Judges to have there answere how they proceeded upon this tryall.

SIR MILES FLEETWOOD. One Middlemore a generall sollicitor for almost all the Recusants of England: wished him to be examined.

SIR ROBERT PHILLIPS: however we may receive satisfaction from the Judges I think of Judges in such a busines never the like example: moved to go on warely: and not to send to them before we had distributed the parts: and that Mr. Selden shold prepare this busines agaynst morning.

SIR THO[MAS] FANSHAW moved that the Indictment shold be sent for.^m

SIR DUDLEY DIGGS: to appoynt a Committee: who out of the papers shold think what was fitt to be asked of the Judges.

MR. GODFREY: that Judge Richardson shold be demanded, why he being but a 2d Judge should take upon him to rule the whole busines, and to refuse the Evidence offered.

SIR JO[HN] ELIOTT: fitt to send to the Judges: but first an extraxcion out of the papers of what is fitt to interrogate them. Moved for a Subcommittee to consider of it this afternoone: and to present it to morrow.

^m Cf. Nicholas (p. 153).

SIR NAT[HANIEL] RICH: that he wold presently have the Judges sent to and only asked whether any papers were offered for evidence: whether they were read: and why they were not read.^a

17 FEB.

James was called to the Bar, for having misinformed the house, that Mr. Recorder sent his warrant for reprieving Moore. And having on his knees confessed his fault; was pardoned further censure.^a

All Committees for this day and to morrow adjourned till Thursday.^b

One Mr. Perriman, who caused a Suppena to be served upon Mr. Speccott,^c within the dayes of priviledge, was cauled to the bar to answer his contempt to the house. He was discharged: upon his excuse, being that the footman who brought down his processe lingered the tyme till it was within the dayes of priviledge.

A petition from Ri: Chambers marchant shewing that he hath imported goods since his complaynt here: and can not get the possession of them by reason of a warrant from the Counsell dated 15 Feb: to stay all goods till customs be payd.^d

SIR ROBERT PHILLIPS. This petition is remarkable in 2 particulars. 1. The warrant is from the Counsell for staying of goods and strickt examination of former warrants.

2: Replevins were denied: I hope upon the answer of the Judges that if any had demanded there goods upon a replevin, it shold not have denied it: moved to defer it till Thursday: for to noe purpose to sitt here if these things be put upon us.

SIR JO[HN] ELIOTT: not now seasonable to dispute in regard of the fast to morrow. This is but a new reparacion of the old Injury: A Replevin sought for in the Exchequer: a Court that secluded them from other courts: they deny it: this a secluding the subject from his right. Moved to lett this passe till the report of the whole marchants busines. But that the Customers who are the occasion of all this, who are offenders in poynt of priviledge, may bee commanded to wayte of this house on Thursday:^e and to receive the censure of the house.

MR. SELDEN: To have it referred to the former Committee for the marchants. If the marchants have any interest in there goods; then strange

^a See Nicholas (p. 153), and True Relation (p. 81), for the resolution upon this motion.

FEBRUARY 17.

^a Cf. C.J. 1:930.

^b Wednesday, February 18 had been appointed for the Fast.

^c Speckat. C.J. 1:930.

^d Cf. True Relation (p. 81).

^e This was ordered by the House. C.J. 1:931; True Relation (p. 81).

they have noe way to gett them: having sought in all the Courts of Westminster: if there goods may be thus taken away: then no mans goods safe. To take care to help the marchants to possession of that whereunto we must give a part: and to give authority to the Committee to find out the fittest way to gett the marchants there goods.

SIR HU[MPHREY] MAY: found fault with Mr. Selden that he sayd an affront was done this house; and that all the Courts of Justice were shutt up agaynst these men.

Ordered this petition to bee referred to the Committee for the marchants goods.

Committee of Religion

Mr. Pym in the Chaire

SIR THO[MAS] HOBBY: reported that they had bene with the Lord Chiefe Justice: and had proposed to him questions: whether the araynement of the Priests at Newgate, there were not further evidence by papers offered on his Majesties behalf to be further given by Mr. Long: that he remembered not any papers rejected or offered to be read: but produced noe prooffe to his remembrance.

MR. WANSFORD reported from the Lord Richardson: who readely gave them accesse though he had many suiters. We lett him know that the great Committee had occasion to examine the arraynement of priests which was the same question reported by Sir Tho[mas] Hoby. He sayd that the Indictment was fond at Gild Hall before: and that he was not Justice of Peace in London but at that tyme came as Justice of Oyer for that service: that there were 3 indicted for priests, and had pleaded before his comminge: agaynst whom were 2 witnesses, Crosse and Longe, who being desirous to speak did see a good while of the maner of the house and taking of them: that there was spech of papers but Mr. Longe never pressed to have them read: but since his being there till Saturday last by rumors he never knew what was containyd in those papers: neyther cold he heare all Mr. Long sayd: that the papers were neyther read nor pressed to be read: and knew noe reason except because Mr. Long thought them not to be priests as they were indicted. He desires the good esteeme of this house: and to stand clere in your opinions.

SIR THO[MAS] BARRINGTON reported from Judge Jhones who was willing to deliver his answer in writing which was read. That he came to the sessions about 10 of the Clock: that being not well, he regarded not the service soe as he shold: that Mr. Longe offered papers; but why they were not read he knoweth not. That one of the Judges sayd they must prove them to be priests or else not to purpose.

SIR MILES FLEETWOOD reported from Judge Whitlock: who sayd that he was there Wensday and Thursday: it was late before he returned from diner: that the prisoners were arayned: and evidence given before his

return. That there was noe evidence of papers offered by Mr. Longe after his comminge: which for his part shold willingly beene received.

SIR WILLIAM CONSTABLE reported from Judge Crook: that he affirmed he saw noe papers offered by Mr. Longe to have bene given in evidence after his coming to court.

Brian William: keeper of the new prison: sent for into the house: who confessed that he had 5 prisoners committed to him: that 4 of them were sent to Newgate: the 5th was discharged by the Lords of the Counsell the 12 of July. His name was Joseph Hill:^f having entered into Bond at the Table to for his appearance.

All the counsell of the house disclaymed any knowledge:^g but they would informe themselves.

SIR NAT[HANIEL] RICH: that the Judges in there answers denied the expresse testimony we had by Mr. Longe. And moved that Sir Fr[ancis] Darcy who was there shold be asked what he hard.

SIR F[RANCIS] DARCY: that he heard Crosse call for papers: but doth not remember that Longe offered any to be read.

SIR ROBERT PHILLIPS: that a Subcommittee be named to take these answers: to designe the particulars to Mr. Longes narrative; and lett him bee by to see what he can say to justify his relacion.

MR. SELDEN: that tho the Lord Richardson sayd he could not heare Mr. Longe, yet I being as far agayne from Mr. Long hard him: yet I would be loath to heare better then my Lord Chefe Justice Richardson: there were many present: the Clerks who sate under. Moved to examine some of those who stode next to Mr. Longe.

SIR NAT[HANIEL] RICH: that Mr. Long shold justify his accusacion: and name his witnesses for profe^h and then the house to send for them.

MR. DUDLEY DIGGS: that the Jury might be examined.ⁱ

SIR JO[HN] ELIOTT: that Mr. Longs was not an accusacion, neyther is he bound to make that good: for he was sent for onely as a witnes, and soe examined. Moved that Mr. Long shold be examined whom he thought most fitt to give testimony to justify his informacion.

SIR WILLIAM BULSTROADE: moved that the Justices of Peace in London and about, shold certify the number and names of Recusants in and about London.

SIR FR[ANCIS] DARCY: that a certificate had bene already sent to the Counsell table.

MR. WHITACRES: that the papists in 3 parishes came to 800. We have a colony of papists: who are a grevance to the inhabitants in there

^f Underhill. Nicholas (p. 154).

^g See Nicholas (p. 154) for the testimony of May, the Chancellor of the Dutchy.

^h Cf. True Relation (p. 82).

ⁱ Cf. Nicholas (p. 154).

birth: in there life and after there death; when a child borne they indeavor to have it christ[en]ed by a priest. When they are children: the father and mother grow at difference whether the child shal goe to masse or not: at riper yeares: the priests labour soe to pervert them that they have lost there witts: when any ly sick; they make meanes to come to them and pervert them: and then to draw them to popish buriall after death. We the ministers of Justice have done our best to cast out these dwellers: but they are too strong for us: I hope our Justice will take order. Palmer, Cole, St. Johns: priests and prisoners in the new prison: these goe about all day to pervert the people.

SERJANT HOSKINS: never the like to lett a whole Colledge of Jesuits to Bayle. There have bene wolves in Wales, and foxes in the Isle of Wight: if they were there now; the people wold not lett them to Bayle.

SIR ROB[ERT] PHILLIPS. A great scandall that the priests and Jesuits imprisoned shold walke at Large as if they were noe prisoners: moved the keeper of the new prison shold be called in to know the truth of this.

SIR FR[ANCIS] SEYMER: that the gentlemen of Innes of Court shold give account of what papists they have.

MR. LONGE that the gentlemen of the Court shold alsoe give account what papists were there alsoe.

MR. COKE. The Innes of Chancery shold alsoe certify.

SIR RA[LPH] HOPTON: for the Colledge of Phisicians to certify.

MR. GODFREY: that the doctors of Civill Lawe shold certify.

SIR JO[HN] FINCH: that the Readers of the Innes of Court, should cal to them the assistance of the Benchers and informe this house of all papists amongst them: and of those who are harbored in those Innes.

SIR JO[HN] ELIOTT: that the keeper of new prison to be examined: whether his priests goe about and by what warrant.¹

The Keeper called in: and examined. That hee had one Palmer, Cole, Townsend, Walcrest,² some suspected some acknowledged by themselves to be priests. Cole about 2 yeares: Palmer a year: Townsend about 2 yeares: and soe Waldgrave: St. Johns³ was with him and was delivered being sick to Dr. Cadiman⁴ by warrant from the Lords. Most of them by warrants from the High Commission Court. Sometimes they goe abroad with a keeper but without directions: and have more liberty of Late, then heretofore. That without they goe abroad they are not able to Live of there owne meanes. Heretofore they had a Common purse to meyntayne them: which is now given over. Cole confessed himself to be a priest and hath his pardon under seale. Palmer confessed himself a Fryer. That when he gives

¹ Cf. Nicholas (p. 155).

² Richard Palmer, Thomas Colles, William Walgrave. *Cal. St. P. Dom. 1628-29*, p. 229.

³ Robert Townsend, John St. John. *Ibid.*

⁴ Sir Thomas Cademan, physician, had been reported to the Council as a recusant. *Ibid.* 414.

them leave to goe forth, he sees them eate and drink before and then they can doe noe part of there office. That there is very little resort to them: the reason because these disorderly like Libertynes; drinke etc. That Cole hath a very large pardon, and that he hard Mr. Attorney say: if he had known of the pardon before it passed it shold never passe: but he knew not how to deliver him: thoug[h]t he cold not be questioned: not for his life.^a

FEB[RUARY] 19

Officers of the Customs House called in severally first Mr. Dawes: demanded that whereas he took 30 of October he took some goods of Mr. Roules by what warrant.

Ans[wer]: by virtue of a Commission from the King 27 July, 2 *Caroli*^a and other warrants.^b That Mr. Rolles told him he was a Burgess of this house, and that as a member neyther his person nor goods were to be touched: I answered that his person was to be free, not his goods.^c That Mr. Rolles demanded his goods the 5th^d of January. That he acquainted not the Lords of the Counsell that Mr. Rolles demanded his goods: not till the 20th of Jan[uary].^e

SIR HU[MPHREY] MAY: that the King and Lords of the Counsell had notice that Mr. Rolles was a Parliament man: but till this tyme he never hard that any Parliament man had priviledge agaynst the Kings revenue.^f

Dawes called in agayne: who to questiones answered. That he took Mr. Rolles goods for such duties as are expressed in that great seale viz: for such duties as were formerly taken by King James: the King commanded him that if he were demanded by the Committee particulars, what duties he demanded the goods for: he shold expresse in general onely for such duties, as were taken by King James tyme: that the King told him he ought not without warrant deliver those out of his storehouse.^g He acknowledged his falt for running upon the priviledge of this house

^a See the Keeper's report as given in Nicholas (p. 155).

FEBRUARY 19.

^a This was the Commission of 26 July, 2 *Caroli*, referred to by Eliot. Nicholas (p. 140); Grosvenor (p. 195). It is given in full in True Relation (p. 86).

^b "and other orders from the Lords," Nicholas (p. 155).

^c "Mr. Dawes examined, confesseth that he knew Mr. Rowles to be a parliament man, but he never heard that a parliament [man] was freed for his goods for duties to the King, and he had a commission for the taking of those duties which was paid in King James his time. And for his exposition what he meant by duties he had directions from the King by mouth that he should make no explanation what was intended by this." Lowther 72.

^d "fifteenth." True Relation (p. 83-84).

^e See Dawes's examination as found in Nicholas (p. 155); True Relation (p. 83-84).

^f See True Relation (p. 84) for a speech here by Sir Peter Heyman.

^g "that the King sent for him on Sunday last, and commanded him to make no further answer." True Relation (p. 84, n. 5).

which was not willingly but of ignorance for he never understood that goods of a Parl[iament] man were priviledged: but his person.

Dawes called in agayne. Sayd: that he stands named in the last grant: but not as a farmer, but an accountant: but in that before he was noe patentee, but had a 32 part: which had long had. That the affidavit he had made was as an officer, he stayed the goods, not as having any interest.

That there is not past half a score^b others who have refused to pay tonage besides the partyes complayning: that they have there goods agayne: having promised to pay what shold be due: but they being unwilling to be knowne desired to have there goods as privately as they might.¹

Mr. Carmarthen the Customer called in: and sayd that he seized Mr. Rolles goods for such duties as were payd in King James tyme: that Mr. Rolles demanding his goods as a Parliament man he denyed and sayd that if the body of the Parl[iament] were contracted in him he could not deliver his goods without further warrant.¹

SIR JO[HN] ELIOTT: what the question is we all know: not only for the interest of the goods of a member: but of the Interest of the members of this house. For if we may be thus impeached, we can not sitt here to dispute it.

2 things to be considered. 1: Upon the whole fact whether we conceive these parties are delinquents, whether a breach of priviledge in them; whether by one or both. I wold not proceede in the later till this be determined.

2: If these be delinquents, what punishment they shal undergoe: for both are not equall offenders.

MR. WANSFORD. This busines of great Consequence in it self and as it stands accompanied with many circumstances: to declyne the delinquency of these men for this tyme because the Kings interest much in this: as we see by his command to Dawes. To goe to the King and by remonstrance to desire the possession of the goods before we proceede to tunnage etc.

MR. KYRTON: he thinketh not that the King will respect a customer before the Body of the Parliament: Goods of a Parl[iament man] taken in tyme of priviledge: this makes Dawes a delinquent. Wee can not sitt here, if wee doe not this.

MR. PYM: noe fitt tyme to debate this at this tyme: for first fitt to settle the principall till wee determine the incident. The Liberties of the

^b "About 10," Nicholas (p. 156).

¹ Cf. Nicholas (p. 155-56); True Relation (p. 84).

¹ Cf. Nicholas (p. 156); True Relation (p. 84).

Kingdome have bene broken: the Liberty of this house is inferior to that, and that more publik first to be determined.^k

MR. LONG: the Customers were brought hither only for to answer in poynt of Priviledge.

SIR SIMEON STEWARD: are we fitt to determine and debate any thing. We can not defend our owne Liberties as all Courts doe in the like case: to make them first to know they have offended our Liberties soe shal they know better they have offended agaynst the Commonwealth.

MR. SOLLICITOR. Dawes delivered that the Commission gave authority to the Customers to seize goods of marchants for such duties as were payd in King James tyme. If the previledge of Parl[iament] be due for goods agaynst the King then the Kings Bayliffs can not distrayne for his rent: not to call them as delinquents.

MR. SELDEN: fit and high tyme to proceede. What we doe in a right way and justly will not displease his Majestie. If any ministers misrepresent us to him let the curse lyght upon them and not on us. In former tymes: when priviledge came in question, noe matter proceeded till that was determined: if not they will come shortly and take the mace from before you, and say they have a Commission for it: that they have noe Commission to seize at all goods but to Levie: for proceedinge.

SIR NAT[HANIEL] RICH. I can not discerne upon what ground we shold insist for this breach of priviledge. 2 things to be considered: 1 whether in the Kings case a Parl[iament] man have priviledge for his goods, when right pretended by the King. Another thing is: we have not used in any case wherein the Kings Command came to doe a busines, fallen upon the minister: but gone to the King himself. Moved for a Subcommittee to look to the presidents in this case.

SIR JO[HN] ELIOTT. The speciall thing spoken is whether we shal now proceede or not: and for that there hath bene variety of opinions. I can not but wonder when I find in that particular the honor of this house in question. For that moved that we shold first determine the generall question of the liberty of the Kingdome:^l I shal never undervalue the priviledge of this house to think them inferior to any Liberty of the Kingdome: nay the ground of all: Let the examples of these tymes shew us, that if we dispute them not, we may loose them. As to that consideration that our proceeding may reflect upon the King. All our proceedings such to him, that I hope he will acknowledge our care, and revere our actions.^m

^k Cf. Nicholas (p. 156-57).

^l Pym's proposal.

^m Cf. Nicholas (p. 157); True Relation (p. 85).

SIR DUDLEY DIGGS. We may defer this without prejudice: Sir Ed[ward] Coke being made Sheriff to kepe him hence: was layd aside without prejudice:^a if wee goe on wee may have prejudice.

SIR HU[MPHREY] MAY: desired that our wisdomes might govern our Liberty: and not our Liberty our wisdomes. Let noe man think it is not a rock to putt the Kings command to a minister in question for delinquency, for if that bee determined *actum est de imperio*. Decline the question and remember: that a Committee is in all to see how to rectefy those rubbes made in the Exchequer: your waies are open to all your desires: chek not these hopes.^o

SIR JO[HN] ELIOTT: I rise out of the 2ble duty in poynt of honor and in poynt of order: to explicate my self and to desire others to explicate themselves: in that which gives mee great scandall. He made a doubt of bring[ing] the Kings command to a question of delinquency. The King can not command a thing soe unjust as the violacion of our priviledges is.^p

Now to cleare himself: for here (upon this supposicion) that if we resolved that question *actum est de Imperio*: for us to enter into a dispute of that which might draw such a conclusion were high treason in us all: moved he shold explane himself.

MR. SPEAKER: In speches may fall out phrases which sometymes may be taken one way; sometymes another. That nothing but love may goe on, take noe excepcions at phrases.

SIR HU[MPHREY] MAY: Far from my meaninge to wrong the gentleman: I told you that, if you questioned these who justified there Act by the Kings command: the King wold think his Command were questioned.^q

By question resolved that we shall now take into further consideration the matter of priviledge of this house violated by Mr. Dawes and Mr. Carmarthen.

By question resolved none to goe forth without leave.

The house resolved into a grand committee. Mr. Herbert put into the chayre.

Presently adjorned till morninge: and the Speaker comming into the chayre it was ordered that we should procede in noe other busines till this were dispatched. All Committees to cease in the mean tyme.^r

^a For a summary of this case see the old *Parliamentary History*, 6:421-22, 424-25.

^o Cf. Nicholas (p. 157).

^p Nicholas makes Eliot shade this off a little: "He hath heard that the King cannot command a thing which tends to the breach of parliament priviledge."

^q According to Lowther (p. 73), May's explanation was that "no man will obey the King's command hereafter."

^r Cf. Nicholas (p. 158); C.J. 1:931.

FEBR: 20.

1°. A Bill agaynst exportacion of wooll, woll fells, and fullers earth.

Monday appoynted for the Committee to meete concerning the complaynt of Mr. Novell agaynst Sir Ed: Mosley in the Star Chamber: wherein the Knights of Cheshire.

A petition agaynst a patent granted to the Gynny Company.* Referred to the Committee for grevances.

An Act for the better inabling the executers of the will of Tho[mas] Sutton deceased: concerning the manors of Littlebury and Hadstock: bequests to the Earl of Suffolke paying 10000£. Committed Friday, Court of Wards: my self one: power to heare consell.

A petition from Phillip Bushell agaynst the Lord Falkland, and Lord Sarfield in Ireland for hanging Phil. Bushell: found guilty and hanged for a supposed murther by combynacion to gayne his estate.

MR. CORITON presented a letter of the Duke of Buckingham, whereby he advised the parties to compound: and to goe to Ireland.

It was not suffered to be read.

MR. SELDEN: what we shal doe with this petition: concerning Ireland: It is frequent to send petitioners out of Ireland for abuses hither unto both houses. Moved not to refer it hence to any private Commissioners.

MR. GLANVILE: to refer it to the Committee for Courts of Justice.^b

SIR GYLES BRIDGES: had leave to goe downe.^c

MR. HAMBDEN: moved that Sir John Worsman the Customer might also be called in being in the same Case with Dawes and Carmarthen: that if soe we might procede with all alike.^d

Sir John Worsnam^e called in, and demanded the same questions that Dawes was: sayd that they were commanded by the King to stay the goods were onely taken for duties, and soe levied it. That he conceived that a Parliament man was not to have priviledge of goods against the Kinge.

That he was a patentee in the lease for Customers: that they were sent for by the King and intreated to take the Customes: which we did with this: wee were to pay 150000£ certayne, if we lost by it, the King was to beare it: he delivered in the Lease.

The Grand Committee: Mr. Herbert in the Chayre.

The order read.^f

FEBRUARY 20.

* The petition was "from divers Clothiers of Kent against the Patent of Guyney and Benney." C.J. 1:931.

^b Upon question it was so ordered. C.J. 1:931; Nicholas (p. 158); True Relation (p. 85-86).

^c "and is to return within three weeks," added in C.J. 1:931. There seems to have been no thought that the Parliament might be dissolved before that time.

^d Though he was on important committees, this is Hampden's only recorded speech.

^e i.e. Sir John Wolstenholme.

^f This was the order of the day before, stating what business was to be debated in this committee.

MR. SELDEN: first to consider in what course to proceede. To agree of the last. The fact as it is barely to be considered. In that however all 3 customers have bene parties to the taking away Mr. Rolles goods: yet there cases are all severall: best to single out there cases. Sir John Worsmans case: thus: what ever the house was possessed of by relation here or at the Committee we are possessed of by the report. The case thus: that he took the goods for such duties as are mencioned in the Commission yet at the former Committee he expressed it was for tunnage. Case: When noe grant in Being by Act of Parl[iament] for tunnage and pond[age] procures to him self a lease of all such subsidies and customes as were payd in King James tyme: and doth explaine to us himself he meant tunnage and pondage. Hee had a Commission to take and levy: and not to seize: he takes them within the dayes of priviledge from a burgesse of this house and in pursuance of this, he doth afterward take an oath that he took these goods for duties due to the King and noe interest of his owne: notwithstanding he had the lease.

Mr. Dawes Case. Hee had no lease but professed that he contracted with the Lessees for a 32 part which he had in Tunnage and pondage and in this right takes them: yet in pursuance he sweres he had noe interest; but took them for the Kings duties. He had noe power to seaze but to Levy.

Mr. Carmarthens Case is the same with Dawes: save in 2 particulars. 1, that he had noe interest: 2, concerning the words which he spake viz: that when Mr. Rolles told him he was a Parl[iament man] told him that if the whole body of the Parl[iament] were contracted in him, he cold not deliver them.^a

SIR JO[HN] ELIOTT: moved that these severall Cases may be severed and to proceede with one first, and so speake to that onely: and after with the rest.

MR. WILD: wished that the Commission shold first be read: whereby they had power to Levy.

Ordered: to proceede first with Sir John Worsnams Case.

The Commission was read:

Customes: Subsidies: Imposts: to be payd till by Parl[iament] it may receive settling. If any refuse to pay: to commit them to prison; there to continue till they submitt themselves to obeydience. Power to Customers, to receive take and levy. Command to the Barons: and all Justices and officers: to give assistance to farmers, customers etc. as effectually as heretofore they have bene levied by act of Parl[iament]. Prises to pay customes as other marchandise.^b

^a Cf. Nicholas (p. 158-59); True Relation (p. 87).

^b For the exact words of the commission see True Relation (p. 86).

MR. PYM: moved to have the lease read that the Customers vouch (as officers to the King) the Kings Command: as officers to the Exchequer: injunctions of that Court.¹

MR. HARRISON: that there was noe clause in the lease that the King shold beare the losse only they had that under the seale manuall of the King in an other writinge.¹

Sir Jo[hn] Worsnam called in, and moved to poynt out that clause wherby the King was to stand to the losse: he sayd he could not poynt it out: but of his Credite, there was such a one.

MR. PYM: that he cold not find how that lease and the Customers affidavit could agree.

MR. SANDERS: that whether there be such a covenant or not, yet it makes all one: for the lease gives them an Interest.

SIR DUDLEY DIGGS: affirmed that Sir John Worsnam was ever a very honest man; and had oft told him that he was but an accountant.

MR. GLANVILLE: the letts to farme for 2 years certayn duties rendering 150000£ *per. annum* and some agreement that they shold not loose: a lease of the whole and rent reserved: if there were more; they shold have it. This certainly an Interest in them.^k

SIR JOHN ELIOTT: money advanced by hand: if they were but accountants did they expect noe allowance.

MR. SELDEN: moved to call Sir Jo[hn] Worsnam and to take his sence of this clause: and upon that to make the Case.

MR. NOY: fit to appoynt some men to see the letters patents to make abstracts of what maketh both for them, or agaynst them: then to make a Case in writing that none be mistaken.

Mr. Selden: and Mr. Noy were sent forth to the Customers to see if they could poynt out to that clause in the Lease: wherby they conceived they were but accountants.¹

MR. NOY reported; of the Lease: a tyme certeyne: a rent: covenants: provisions that if the Rents were behind, and the King signify under his Seale that he will resume the graunt then to be voyd.^m

MR. KYRTON: moved that Sir Jo[hn] Worsnam being Collector of the Subsidies of poundage outward: by what authority he seized these goods which came inwards.

Sir John Worsnam: answered that he being commanded by the King to be assistant, went in that capacity.ⁿ

¹ The lease was read (True Relation, p. 86). The day before the House had ordered that Sir John Wolstenholme bring it with him. C.J. 1:931.

^k Cf. Nicholas (p. 159).

^l Cf. True Relation (p. 87); Nicholas (p. 159).

^m While Noy and Selden were out Pym and Dellridge spoke. Nicholas (p. 160).

ⁿ Nicholas's statement of Noy's report is clearer. (p. 160).

^o Nicholas's report of Wolstenholme's examination is more detailed.

Sir John Worsnam denied that Mr. Rolles did chalenge priveledge of Parl[iament] at first when his goods were first seized; nor till after the goods were in the Kings storehouse.^a

FEB[RUARY] 21

2^o: bills: Petition: by Sir Arnold Herbert: and Lownes: Committed.^a

A petition from Tho[mas] Symonds marchant who was not suffered to land his currants tho he tendered to pay what was due. Referred to the Committee for marchants.^b

Ordered that all who had letters or coppies of letters written for stay of proceedings agaynst Papists shold be brought to the grand Committee of Religion this afternoone.^c

Grand Committee.

Mr. Herbert in the Chayre about the Customers.

Mr. Rolles produced Spencer^d Potts as a witnesse to testify: that at the taking of his goods Mr. Rolles demanded his priveledge.

He sayd that Mr. Rolles demanded his priveledge: at the seizure of his goods at Porters Kay neare the custome house: that Dawes and Carmarthen were there.

Nathanell Downes an other witnes sayth that he was by when Mr. Rolles goods were taken up at the Kay: Mr. Dawes and Carmarthen being by: wold not suffer the goods to be taken by Mr. Rolles: Sir Jo[hn] Worsnam was not there at first; but came after: that Mr. Rolles told them he was a Parliament man; and chalenged priveledge for his goods; that Sir John Worsnam was not there when Mr. Rolles demanded his priveledge.^e

MR. LITTLETON: for priveledge.^f A man can not distreyne for a rent in tyme of Parliament: after he may distreyne for the arrearages. 17 Ed: 4: Parl. Roll. art. 35.^g The King our Sov[er]eign Lord, pray us the Commons, that it hath bene usuall that Knights litigents have had freedome that they shal not be attached in there persons or goods during Parl[iament]: there comming or departing. 5 Hen. 4: Parl[iament] numero 78

^a Dawes, Carmarthen, and Rolles were all examined before the grand committee broke up. Nicholas (p. 161).

FEBRUARY 21.

^a "An Act for Reversal of a Decree in Chancery, made between Sir Arnold Herbert, Knight, and others, Plaintiffs, and Lawr[ence] Lownes." C.J. 1:932.

^b Cf. True Relation (p. 87-88); Nicholas (p. 161).

^c Cf. C.J. 1:932; Nicholas (p. 161-62).

^d Spedman. Nicholas (p. 162).

^e Sir John Eliot spoke at this point. Nicholas (p. 162).

^f For the first part of this speech see Nicholas (p. 162-63) and True Relation (p. 88).

^g Hatsell, *Precedents of Proceedings in the House of Commons* (London, 1796), 1:48-51. Prynne, *Parliamentary Wrists* (London, 1664), 4:771-73, cited hereafter as Prynne.

case of Teder.^h Petition that because such a man came with his master to the Parliament: they desired that if any man did kill a Parl[iament] man or his servant that it shold be treason: but the Kings answer was: that he shold render himself or be convicted: he payd 200£ damages for striking a servant. 70 numero, if any arrest of Parl[iament] man: that he shold give 3ble damages. 8 H. 6ⁱ et 31 H. 6ⁱ and Thorps Case. 12 Ed: 4: 2 Cases of 2 servants to Parl[iament] men: one a knight the other Erl of Essex.^k In 17 Ed. 4ⁱ declared that [a] Parl[iament] man] ought not to be impleaded in Parl[iament] tyme.

In tyme of Prorogacion: within the dayes of priviledge: priviledge is to be had.

3: right of priviledge for goods is due agaynst the King. The King is never soe high, as when he sits in Parl[iament]: it is more advantage for the King to have the members sitt here, then away: which they can not doe, except they have there goods.^m Concluded that Mr. Rolles ought to have his priviledge for his goods.

^h Cheddar's case. See Prynne, 4:643; also *Rot. Parl.* 3:541, 542.

ⁱ The case of Larke, servant of a member. *Rot. Parl.* 4:357.

^j Thorpe's case. *Rot. Parl.* 5:239-40. Lowther (p. 73), errs in giving 31 Hen. VII for 31 Hen. VI.

^k See Prynne 4:752-54, a case in the Court of the Exchequer.

^l num. 35. *Rot. Parl.* 6:191.

^m Lowther (pp. 73-74) gives Littleton's speech so fully, though very inaccurately, that it is worth reproducing here. We shall put in brackets the references. "That Mr. Rowles shall have privilege for his goods as well as for his person, appears by divers authorities both ancient and modern.

And first; the ground of all privilege is for the general good, and the great respect that is of it appears by 31 Hen. VI [*Rot. Parl.* 5:239], that the Judges thought it too high a thing to give their opinion in.

And for authority in it, in 18 Edw. I [Hatsell, 1:3-6], that both lands and goods are privileged; and so it is in 18 Ric. II, upon a petition in the parliament house that one might distrain for rent, it was denied, as it is said, quia inhonestum videtur.

Vide 7 Edw. II. close roll, membrane. [This must be 8 Edw. II. See Hatsell, 1:7, and Reyley's *Placita* (London, 1661), 551].

17 Edw. IV, parliament roll, articulo 35. That no man being a member shall be touched in person or goods, in coming, staying, or going to or from parliament.

5 Edw. IV, rotuli parliamenti, numero 78 [*vide supra*]. Cheder's case, it was petitioned that if any man killed a parliament man or his servant it might be treason, and for striking or suing other penalties ("que le inference del c").

9 Hen. IV f.19. And in rotuli parliamenti, numero 71, in "un petition que leur serants ne po^t estre arest pour dett accoupt etc., Le answer fuit par le Roy, que fuit remidie dent^e."

8 Hen. VI [*vide supra*], 31 Hen. VII [rightly Hen. VI. *vide supra*], Thorpe the Speaker "fuit arest in temps del pragation del parliament," and was not delivered upon petition because he was arrested without time of privilege of parliament.

34 Hen. VIII [Prynne, 4:779-80], et 36 Hen. VIII [Prynne, 4:780-83], "que par un condemnation in dett etc. den^t le parliament, ne serra trouble ou arrest p^r c."

I. Car., Sir Edward Coke "ad privilidge del parliament mes est que in temps del vacation, null home ad privilidge mes p^r les jours del vacation que sont 16 jours all myens."

"Mes nota que in 29 Eliz. [D'Ewes, *Journals of all the Parliaments during the Reign of Queen Elizabeth*, (London 1682), 410] in le case del un Martine le reasonable temps del privilidge fuit reduce all 20 jours."

36 Hen. VIII, "le case del Carus, que serra privilidge pur byens vers le Roy, et fuit dit que p^r un r^e dew all Roy, ne serra un distresse p^r c. durant le temps del parliament."

In 12 Jac. "suites in le Starchamber que sont les suites del Roy serra staye p^r privilidge; ut in le case del Senior Clare, et Sir Symiond Steward et est valde frequent."

12 Eliz. "Le case del Johnes ad son privilidge p^r byens, que fueron deliv a lui apris seisure."

"Et fuit le darien parliament adjudge in le House de Seniors que un del leur servants avera privilidge p^r son byens."

The rest of Littleton's speech may be omitted here. For the part dealing with the Stanhope case see Nicholas (p. 163, and note).

SIR ROBERT PHILLIPS: How needful it is to have priviledge a large field: the summe of all. That we see in generall experience, how easly we see the prerogative of Princes thrive, when the Liberties of Subjects are at a stand. The goods in generall I suppose is that recorded in 8^o *Eliz.* [*illegible*] when it was resolved that the goods of Parl[iament men] shold be priviledged. 3^o *Jac.* in tyme of prorogacion betwixt 2 sessions a seizure made by some writt: and Commission granted to the Sheriff of Hampshire to seize the goods. Sir William Kingswill:^a ordered that he shold have priviledge of goods: that a Command was to goe to the Sheriff to staye his goods which was done. *Eliz.* 29^o.^o resolved that the convenient tyme of priviledge after the Session shold be allowed: which was then resolved to a definite tyme, which was 20 dayes before: and 20 dayes after.

SIR HU[MPHREY] MAY: moved to take this according to Lawe, and authority, and not according to reason. In all Courts of revenue, Westminster was ever graunted extents agaynst Parlament men for leving the Kings debts.

SIR FR[ANCIS] SEYMOR: I am sorry to make other mens errors the Kings. This will not reach to the Kings case. Wished first to resolve whether this case did at all concerne the King.^b

MR. GLANVILLE. Tyme enough for us to dispute the Kings Cases when they are not in question: this is not the Kings Case nor concerneth him. If the King have a settled revenue of Record before his auditor: there is noe replevin lyes: but if any wil seize my goods; and tell me a tale of the Kings right when there is noe color: shal I say this is the Kings right. If any thing be by suttlety granted from the King agaynst Law it ought not to be suffered, but the parties are trespassers. Because my goods be taken for noe cause: therefore I shal not have a Replevin. Where the King maketh a grant which is voyd the party is a trespasser.^c

SIR JO[HN] COKE: not under a specious pretence to doe that which may hinder our liberties hereafter. The matter now is in question is Mr. Rolles: his case. We must distinguish the right of the subject in generall from that of a Parlament man. We must suppose that the King having a possession; must be supposed to have a right.

The King is a Parl[iament] man as well as we are: not soe to advance our priviledge as to justle with the King. The King hath possession: and as a Parl[iament man] ought not to be taken out of possession. Moved to think whether this house can determine this priviledge or not.^d

MR. BANKS: that particular men have ther priviledge none will question it: al inferior courts have ther priviledge, much more this of Parl[iament].

^a Sir William Kingswell. See C.J. 1:343.

^b This is incorrectly given in *True Relation* (p. 89) as 19 (with a variant, 12), and by Nicholas as 24. For Marten's case see D'Ewes, 410-14.

^c Cf. Nicholas (p. 164); *True Relation* (p. 89).

^d Cf. Nicholas (p. 164).

^e Sir John Strangeways spoke at this point. Nicholas (p. 164); *True Relation* (p. 90).

In the Law of Moses a cermoniall as well as a moral and Judiciall. Our priviledge of P[arliament] may be compared to a hedge about our municipal lawes: if any breach upon that our laws will next be questioned.

But this too generall. In the particular case 2 things. 1 to separate this case from the Kings right: in this case noe interposicion of the Kings right. 2 in this case no interposicion of the Kings Command: if neyther, then may we clerly proceed.

1. The Kings right or duty is not in question: (our books are expresse) acts of Par[liament] have proclaymed, and the King expressed, that he takes not these duties of right.

2. Separate from the Kings Command: for that Mr. Rolles is a Parl[iament] man. His seizure the 30 of October: the prorogation till the 20 of October. 34 H 6: 27 H 3. 12 dayes priviledge before the tearme for a man to come inform his Counsell at Westminster. But there is a Command for the seizure of these goods: That not the dispute of this day: the King had originally given a direction for the taking of Tunnage by privy seale, then by a Commision, then by demise: none of these directions would extend to a priviledged man of the House of Parl[iament] for where a private direction that will never reach to a particular priviledge. 7° Ed. 4 fol. 30. If the King will licence Jo[hn] Stile an alien by mortmayne: this will not extend to any land held in Capite. If the King will command a levy of tunnage in generall: in law this doth not trench to seize the goods of a Parliament man. And upon these reasons that are particular we may defend our priviledge as well as upon generall.*

MR. BROWNE. Mr. Rolles to have his priviledge. This depends upon one poynt: that this seizure cannot be sayd anyway to be for the Kinge: where the King hath noe title, tho he granted letters patents: yet the parties who enter are wrong doers. The Kings right to tunnage is ended the Act determined: soe the King granteth what he hath noe right to. 7° Ed. 4: fol. 19. 8. H. 5. A man outlawed had his charter of pardon: he that stayed his goods was a trespasser.

MR. SOLLICITOR: 1. We cannot agree upon the question: in the 2d place we must goe to the question whether Mr. Rolles be to have priveledge agaynst the King. In generall: a Parl[iament] man shal have priveledge for his person and goods. 11 H. 4. Soe long as a matter of law was demanded the Judges of the Common place [pleas] ansered: but when it came to Customes, they wold not meddle.†

MR. SELDEN: 1: Whether a parl[iament] man ought to have a priviledge of his goods. 2: whether agaynst the Kinge. Noe matter

* Cf. Nicholas (p. 164); True Relation (p. 90).

† Cf. Nicholas (p. 164); True Relation (p. 90) has an important point not given by Grosvenor.

what the Courts of Revenue conceive: we are to look to what the Parl[iament] determines. Priviledge of Parliament is the being freed from all troble that may keepe a man from [at]tendinge at Parliament. Mr. Rolles case is legally betwixt him and the Customers without any relacion to the King. They tell us of the Kings Commission to receive and levie: in that noe mencion of any direction that the whole shal be seized for a part. They have taken that that noe way concerns the King as 20 parts etc. Eyther these duties were due or not due to the King. If they were, then by the lease all is conveyed to them. The Covenant by Privy Seale cannot alter the Interest. Admitt that the King had interest: yet he^u ought to have priviledge: for if you allow that there may be a siezure upon goods, extents out of the Exchequer; what man can be assured of lands or goods while he sitteth here. For authority in the Kings case: I shal use those which have bene used alredy. 17 Ed: 4:^v noe Parliament man might be arrested impleaded or attached by his person or goods. Taylers case. Concluded in this Case: Mr. Rolles was to have his priviledge.

SIR ROBERT HARLEY: *Quere* whether Mr. Rolles was to have priviledge in those dayes after the prorogacion.

SIR NAT[HANIEL] RICH. The Lords determined the Last Session^w that the goods of a servant of a Parl[iament] man shold have priviledge of goods.^x

By question resolved that every member of this house ought to have priviledge for his goods and estate.

SIR DUDLEY DIGGS: If you shal resolve Mr. Rolles to have his priveledge you will doe it with meaning of fruite: to whom will you direct your warrant: at length it will tend to examine the Kings interest. Where the Kings officer leaves there the farmer begins: and nothing yet done by the farmer.¹

MR. NOY. If this question had come in 21 *Jaco[bi]* and had demanded priviledge: he shod have had none: because a law. If a man will pawne his goods he shal not have priviledge. Tunage: the King kept in possession: we know by whom: the law: noe seizure to bee made for refusing to pay an imposition:

SIR NAT[HANIEL] RICH: We see how tenderly we have bene to voyd tuching any thing that may trench upon the King. Moved to proced to the question: for it semeth there was noe Command from the King at all.

¹ Resolved by question that Mr. Rolles crossed out at beginning of new paragraph.

^u i.e. Rolles.

^v Hatsell 1:48-50.

^w May 6, 1628. L.J. 3:782.

^x Sir Robert Phelps followed Rich. Nicholas (p. 165).



SIR HU[MPHREY] MAY wished the warrants^r by the King for the seizure shold be viewed before they judged that it be not sayd another tyme that this house was wished to know some thing that they would needs be ignorant of.

MR. GLANVILE: that they made nothing to the case: And if the shewing of them, shold imbarke us in a dispute of the Kings Prerogative: those that called for the warrants were the causers of it.

SIR JO[HN] ELIOTT was sent for the warrants who presently returned, and brought them, and made this mocion. It was observed that Mr. Dawes referred himself to the warrants hee had delivered to Sir Jo[hn] Eliott: that now Mr. Dawes shold be concluded by these things, and produce noe more.

The warrants read.

1. for 2s-2d In rent: upon currants of the Levant Company: to be as carefully payd as that of 3s-4d. Commanded all officers: not to give warrants to land them till the 2s-2d were payd.^a

2. 20 July: his Majesties absolute will about the imposition upon currants.

3. 21 Septe[mber] 1628.^{aa}

4. 20 Sep[tember] 1628.

18: Nove[mber]

12 Dec. 9 Jan.²

MR. HACKWELL proposed some doubts. The last Sessions was prorogued till the 20th of October. His goods seized the 30th of October. Privilege of goods followed the priviledge of person: at that day noe necessity of priviledge of person: because noe neede of attendance. Upon prorogacion in the tyme of H. 8: writts to the Sheriffs to make proclamacion to discharge attendance. In later tymes a more expedite way fond by proclamacions: which discharges our attendance, soe as we can not be fined. And if we be not bound to attend in person, we have noe priviledge for our goods. 1606: 26 Feb: Sir J. Kingsmills case.^{bb}

MR. NOV: Mr. Glanvill had a brother to present to a Church, another claymed a right: after a Jewry patronate: that man labored by all meanes to goe on by a *doble querela*.

Thus the Bishop was cited in tyme of priviledge and for not appering judged Contumax: And institution given by the Archbishop: the Lords

² By question resolved that the taking of Mr. Rolls goods the 30th of October ought to have his priviledge for his goods seized.

By question resolved that Mr. Rolls in this Case crossed out.

^r "remaining in the hands of Sir John Eliot," True Relation (p. 91).

^a Warrant dated July 15, 1628 for 2s 2d on currants. Nicholas (p. 166).

^{aa} "Warrant from the Lords . . . to seize the goods of such as refuse to pay the customes." Nicholas (p. 166).

^{bb} Cf. *supra*, p. 230, note n.

have adjudged this Citation: a brech of priviledge, have adnulled all done upon it and the clerk out of possession.

By question resolved that the 30th of October and 5th of Jan[uary] and the tymes since were within the days of priviledge of Parliament.

2. That Mr. Rolles ought to have priviledge of Parliament for his goods siezed the 30th of Octo[ber] the 5th of Jan[uary] or since.^{cc}

23 FEB:

2°. A private Pet[ition] for Fleminge. Committed Wensday. [Ex-]chequer Chamber.

SIR THO[MAS] HOBBY: moved that some might be appoynted to search the Records how many have bene convicted Recusants since 1°: *Caroli*. A Committee named. And authority given to search Records, as also to search whether Recusants convicted have payd Double.

2°. Act for preventing corruption in presentacion and collations to benefices and in elections to fellowships: and other places in Church, and Commonwealth.

SIR EUBALL THELWALL: That it bee not left to the Bishop alone to take the oath: for in Bangor not one livinge given by the present Bishop but for money: that some [one] else might be joyned with them.

MR. PACKER: That scholerships shold be voyd, if it appeared that any money was given though by frends.

Committed: Thursday in the Exchequer. The Care to Mr. Pym.

MR. LONG: That he had notice some ment to goe into the Contrey: moved that none might goe without leave under payne of expulsion.

MR. KYRTON. That the house might be called: and those who were absent punished.

Ordered that the House shold be called on Monday next.

The Grand Committee of the Customers breaking priviledge.

Mr. Harbert in the Chayre.

SIR ROBERT PHILLIPS: the business into 5 parts: 2 already past the vote of the Committee, that for priviledge in generall and in particular for Mr. Rolles. 3 things remayne. 1 the debate on the delinquency of the customers. 2 the punishment to be inflicted. 3 the way how to invest our member of his goods agayne. To begin with the first viz. the delinquency of these men and to sever one from another not being al in the same case: and I pray God may give us a united hart in this and all things that concerne the Commonwealth.

SIR WILLIAM CONSTABLE: the order of nature leads us to procede in this cause. We see a wound given to a member, and in him to this house.

^{cc} Committee adjourned to meet again Monday morning. C.J. 1:932; Nicholas (p. 166).

The next to seke how to heale this wound; before we think of the delinquency.*

SIR ROBERT PHILLIPS: to read the order, how far we may procede in the busines of restitution.

MR. ROUSE: we are m[aste]rs of our owne orders: that we procede to help our member with his goods.

MR. VALENTYNE: to proceede with the delinquency of the parties first.

SIR MILES FLEETWOOD: first how to restore Mr. Rolles to his goods: by the orderly composing of that question it may be a meanes to bring the whole busines to a happy conclusion.

MR. GLANVILE. Wold decline that question: for the goods be now in the Kings storehouse: difficult to get them thence: nowe to punish these men: and when they find that in Justice there punishment can not be taken of[f] till the goods be restored: they will find a meanes to restore the goods.

SIR NAT[HANIEL] RICH. 1 to see how he may have his goods, for by that meanes we shal possesse ourselves of that great priviledge which we have debated. 2 it suits with the Custom of this house: for as soone as we adjudge any to have priviledge, we procede to give it.

SIR BEN RUDYERD. It is an observacion that Commonwealths are more severe then monarchies. We have shewed our justice, and made an example of our power by committing the sheriffe of London: let us leave some place for clemency. There are disorders of tymes: we shal have offences enough to punish to pardon to remitt: a gentle hand leaves the lest scar. I speak for his sake whose servants they are when they obey: and tho we sever them in our imagination they wilbe brought together in our action. I shold be sorry we shold be soe greedy to punish others as thereby to endanger to punish ourselves. Why shold we break of[f] an angry splinter to wond ourselves. Our sentence will be but *brutum fulmen*: how shal we be assured to have tyme to put it in execucion.

MR. LITTLETON. We should not have greter care to cure a scarr then to search a wound. Not to speak of Restitution till the punishment. That these parties that have done the wrong shold make restitution for the Damages.

SIR HU[MPHREY] MAY. As Job to God tho he kil me I wil love him: soe I give the best advise to this house. There is a wond given: we have oyle and vinegar before us. If we goe the way to restore these goods: we put oyle into the wound, if upon a delinquency: you put in vinegar: and by such course we shall see better to the busines of state then any man can advise and such as will direct us to a course how to punish them.

MR. STROUDE. The best way to punish them is to lett them alone.

SIR JAMES PERROTT: to procede with the restitution of goods: 1 because the enemies of our Religion are in agitation to break this Parliament: falling upon this rock what advantage we give to the enemies to Religion: all Phisicions begin with the lenities, not with Corosives, if that will serve.

SIR HU[MPHREY] MAY: I wish we heare noe more of the distinction betwixt Courtiers, and country gentlemen: nor orators, and reasonable men: but know, that good counsell hath bene given you out of reason.

SIR JOHN ELIOTT. The wisdome of this Pa[rliament] hath appered by the gravity of our proceedings: and I hope we shal continue with the affection begun in the service of the King and Contry. In this matter: I thought the question had bene simply; whether first to addresse us to a way to restore the goods: or to proceede to the delinquency: but now it is otherwise. For I find it, that it hath an exposition not whether we take that in priority of place, but the cause directly of the breaking up of a Parlament and of having these men taken from us: and I can not but with admiracion think of these things. This hath bene the argument among us since the beginning. Take heed how you urge it for fear of a Rock.^b But I shal retayne that assurance of the Justice and goodnes of the King, that while we procede as fitt his goodnes is so far cleare that he will not break us. Those that bring upon us these terrors lett a Curse light on them and there posterity. The delinquency is the next thing we shold take in hand: that from them we look for satisffection. They are sufficient enemies.

SIR THO[MAS] GERMAN. Observed on Saturday the moderacion of the house to distinguish the fact of these men from the Command of the King. They are now come too nere together. In former tymes when violacion hath bene done, we have not proceeded to vindicate ourselves: but have gone to the King by remonstrance: and sped well. To goe the same way to let knowne to him that we are the peple that have bene most tender of his prerogative, soe he wold be tender of our privileges, and restore them to us agayne.

MR. CH[ARLES] JHONES. To proceede agaynst these persons as delinquents. The Lord Popham jud[g]ing the circuite with Justice Fenner: a fellow condemned there stabs at the Judges: Pophan went safe: an indictment to be drawne: his hand cut of[f]: this example lives: to procede.

MR. HOLLIS. I feare neyther breking nor terror, nor rock, but I feare to give my voyce to any thing that I cannot be persuaded of. To procede to the punishment of the offenders: the King not interest[ed] in the falt of these men: hee commanded them to stay goods, not to sieze.

SIR JO[HN] COKE. The ground to punish these men is because we have divided ther case from the King. I must lett you know that the King

^b Eliot is answering Perrott. Cf. *supra*.

hath taken knowledge of the late debate the last Saturday concerning the farmers of his Customs, and of the care they had in laboring to sever ther case from that of his Majestie. But the King finding this concerned him in a high degre of Justice and honor thought it nott fitt the truth shold be unknowne and that what these men did they did it by his expresse command: or by the Counsell board, he being by in person or directing: that this can not be divided from his own act and that there be noe proceeding agaynst them: as highly concerning his honor.^c

SIR DUDLEY DIGGS: a tyme of difficulty to speke when we have a message from the King which causeth so many to cry adorne. That if his Majestie knew the particuler, that we deale about the Parlements mans goods; and move his Majestie to avow it: to lett him know the particuler Case.

SIR JO[HN] ELIOTT. The Customers are the occasion of this, the goodnes of the King wronged. Moved to adorne the house. Hoping the King wold give us a clere way to proceede.^d

SIR ROBERT PY: that the message ought to have bene delivered to the house and not to the Committee. Moved that it shold be delivered to the house.

The Committee arose. The Speaker in the Chaire.

Mr. Harbert reported: that the Committee had taken into consideration the violacion of there priviledges by the Customers: they resolved that Mr. Rools shold have priviledge for his goods taken the 30th of October: Jan. 5 and since that tyme: that Secretary Coke delivered a message from the King: that they desire he wold deliver the message to this house to consider of it.

Resolved in the house:

1 that a member of this house ought to have priviledge for his goods and estate.

2 that the 30 of October: and the 5th of Jan. and all tyme since is within the priviledge of Par[liament].

3 that Mr. Rolls shold have priviledge for his goods siezed the 30th of October 5th Ja[nuary] and since.^e

SECRETARY COKE: ordered to deliver his message agayne: and further sayd: that however this house labored to sever the interest of the farmers from the Kings, yet these distractions cannot salve his honor which it behoves him to mentayne. He wil not be drawne to doe that which is dishonorable upon any collateral meanes.^f

^c Cf. Nicholas (p. 167-68); True Relation (p. 94).

^d Cf. Nicholas (p. 168).

^e This report was put in the form of a resolution and, upon question passed by the House. Nicholas (p. 168). C.J. 1:932.

^f Cf. True Relation (p. 94-95).

SIR ROB[ERT] PHILLIPS: That first we pray God to cause us to understand truly: and to direct us. The essentiall and fundamentall liberty of this house is now before you. Are we now fitt for debate. In obeydience to the King and care of our selves that we rise: and to morrow with invoking God to consider what way to take in obeydience to his Majestie. And in the meanetye all other business to cease.

THE LORD CARY: for a Subcommittee to draw up how far we have proceded: upon what reasons.

SIR JO[HN] ELIOTT: a doble obligacion upon us: to our King, to our Country, to posterity to preserve that right our fathers have left us. It is the practise of ministers about him who feare some reflection upon themselves: and not to spare those persons: these clouds are blowne by such as seke ther owne security not the Kings honor.

MR. GLANVILLE. He that cold bring light out of darknes will bring this to a happy issue and this will prevent those unhappy interruptions which have given these terrors. All way to reformacions seems now to be stopped: to put a day to Leave: to adorne till wenesday: this cometh from the enemyes to Religion.

CHARLES PRICE. God hath not hard our late humiliations. Some unlucky Star sits over us. Our affections charmed, we can not understand one another: to come to morrow lest by puttinge it longer of[f] some to goe away like discontents: the fate of the Kingdom is in ballance.

SIR DUDLEY DIGGS: wold have it but put of[f] till to morrow, doe nothing but with president: and this will turne to our good.

SIR JO[HN] COKE: desired to goe out of this house without any ill relish to make a misconstruction of our proceedings: wished Mr. Price to expound himself of the falt.

MR. PRICE: that the King and this house so inseparable: that what wound was given here much toucheth the King.*

MR. SELDEN: observed: 2 questions out of the message upon which the fondacion of the Libertys of the Kingdome and this house are fonded. For seing we have fond these men delinquents; we have his Majesties message that this concernes his honor and justice if we procede agaynst them. 1. Whether a Crime committed by a subject as it is his act, yet whether he procuring the Kings command shal stay us from proceedinge. This may stay all our proceedinge here in this house. 2. Whether any kind of Command in our proceedinge here shal stay us from giving one. Moved to take tyme to consider of the height of these questions til wednesday.

SIR HU[MPHREY] MAY: The King takes it to be a high poynt of soverenty: as well as wee doe of priviledge. Doe not think so much of the Liberty of the Sub[ject] as to forget the soverenty: nor soe much of this.

* Cf. Nicholas (n. 169).

Adjorned till Wenesday.

The House was adjorned till Wenesday. In the meane tyme all Committees to cease.^b

25 FEB.

The Speaker^a delivered a message from the King.

The King commanded me to signify it is his expresse pleasure that this house be presently adjorned till Monday next at 9 of the Clock, and all Committees to cease.^b

MARCH 2^a

Mr. Speaker delivered a message from the King that it was his Majesties pleasure to adjorne this house till to morrow sevenight, and in the meane tyme, to not to proceede in any busines.

^b Instead of this last sentence one group of True Relation states: "And in the mean time the Committee for Religion prepared certain Articles which they intended to have presented to his Majesty." For a full discussion of the work of this committee, see True Relation (p. 101, note a).

FEBRUARY 25.

^a Secretary Coke. True Relation (p. 101).

^b At the trial of the leading members arrested as a result of their acts upon March 2, the King's attorneys claimed that those arrested members were very active in the interval between February 25 and March 2. In their Information given in presenting the case for trial they made the following statement:

"May it please your most excellent Majestie that when your Majestie upon the said five and twentieth day of February had by Sir John Finch Knight then Speaker of the said house of Commons signified your Royall pleasure to the said house that your said house of Commons should bee instantly adjourned untill the second day of March then followinge, He the said Sir John Elliott and Deinshill Hollis Esq., Benjamin Valentyne Gent. Walter Long, Esq. Willyam Corriston, Esq. William Strode Esq. John Selden Esquire, Sir Miles Hobarte and Sir Peeter Hayman knightes all members at the same time of the said Commons house; Conceaving with themselves that your Majestie being justly provoked thereto would speedily dissolve that Parliament they the said Sir John Elliott, Deinshill Hollis, Benjamine Valentine, Walter Long, William Corriston, William Strode, John Selden, Sir Miles Hoberte and Sir Peeter Hayman and every of them by unlawfull Confederacy and Combination betweene them in the behalfe before had, did maliciously resolve agree and conspire how and by what meanes before the Parliament should be dissolved they might raise such false and scandalous rumors against your Majesties government and your counsell of state attending your person that thereby as much as in them lay they might disturbe the happie government of this kingdom by and undere your Majestie interrupt the Course of Traficke and Trade, discourage your Marchants, and raise jealousyes and suspicions in the hearts of your people that the sinceritie of the true religion professed and established in this Kingdome was neglected. And in pursuance of this their Resolucion and confederacy aforesaid the said Sir John Elliott with the privy and consent of the said Deinshill Hollis and all others the said Confederates did prepare a paper or writinge wherein hee had written or caused to bee written diverse false and scandalous assertions touchinge your Majesties Government and Touching the persons of diverse of your privye Counsell which hee and they resolved, conspired and agreed should bee delivered into the said house of Commons and there publicly read to the wicked and seditious intents and purposes aforesaid and not with any purpose or opinion that those things which were therein conteyned, if they or any of them had bene true, as indeed they were nott, should or could bee at that tyme entertayned or pursued in any Legall or Parliamentary way, but merely and onely to expresse and vent his and their owne malice and disafecion to your Majestie and your happy government." Harl. 2217, ff. 89-90.

MARCH 2.

^a For the proceedings on this memorable day the best account is that called *March Second*. All notes explaining the narrative are therefore given under that text.

SIR JO[HN] ELIOTT: moved to have a declaracion read which he flung downe upon the floore.

Sir William Fleetwood took it up and brought it to the Chaire.

Much calling for the key.¹

The Speaker came out of the Chaire: Mr. Valentine and Mr. Hollis held him in.

MR. BELLASIS moved the Speaker to goe out and that we might chose another Speker:

SIR JO[HN] ELIOTT. That it was the Speakers excuses that hath ended the busines: moved to read the paper: and then we shold shortly come to a conclusion.

THE SPEAKER. What wold you have mee to doe: if you were in my place: give mee leave to give obeydience to his Majestie and to goe out of the Chayre.

MR. STRODE: that wee goe not out like shepe scattered: but to testify to the world we have a care of there safety; and religion. Moved to have it read: and that those that wold have it read shold stand up: and testify there consent.

MR. VALENTYNE: For the honor and safety of the King and Kingdome that this may be read, he our head, we the members: I wish it may be read for the safety of the King.

MR. HOLLIS: are we a Parl[iament] or noe parla[ment]. Are we assembled by the King, trusted for the good and safety of the King: the Lawes and the Liberties: or are we not. You our servant and are to obey our commands that will secure you. To have it read.

SIR WILLIAM CONSTABLE. That the Sp[ea]ker wold signify the desire of the house to the Clerk to have that read.

SIR FR[ANCIS] SEYMER: think it fitt to be read: question whether now or 5 or 6 hours hence. Noe man speaking agaynst it: it is fitt to be read.

SIR PET[ER] HAMON: I am sory to see such answere of you are but our servant. We shal happily think fitt to present this to the King: doe not the King that disservice as to stay the reading of it.

SIR JO[HN] ELIOTT: for honor and order of the house. A generall desire that the question may be putt: noe one disputeth: a greater contempt in Parl[iament] I never yet saw or hard: the question is not now whether it shal be read now, but whether 6 or 7 hours hence. You are excusable to the King for doing that so strictly enjoyned. We shold draw you to punishment: if you refuse whether you as a delinquent shall not be called to the barr to answere this contempt. The house is resolved to have it read.

¹ The word is written very lightly. The first letter is certainly *k*. According to the March Second account the members here called for Eliot to speak.

THE SPEAKER: such was the strait he was in; that tho he shold regard the punishment the greatest misery: yet hee wold undergoe all shame to gayne there good will.

MR. SPEAKER: moved that he might goe; and if he returned not to them, teare him in pieces. The King was good: he wold doe good offices; and hoped he shold return with a good answere.

MR. GODFREY; that he shold first heare the paper read, and then he might goe better instructed.

SIR JO[HN] ELIOTT: what is presented is not unworthy this house or the loyalty of good subjects. If you obey not the Commands of this house: then our duty to vindicate the dishonor of the house upon your person. God never prospered that man who hath bene blasted with the censure of this house: I shold be loth that shold fall upon you. Return that paper, I will deliver the contents, that the King and world may understand our sence.

MR. STRODE: his servant you are to whom you obey: if not us you are none of our servant, eyther refuse or read it.

MR. SPEAKER. It doth not make mee to be none of your servant because I am the Kings servant: I will not say; I will not: but I must say I dare not.

SIR JO[HN] ELIOTT: with a faithfull hart: and as great affection to the King as ever subject. The miserable condicion we are in, the unhappy fortune we suffer both in religion and matter of polley makes us tender the King and good of the subject. You know what discovery in Religion: how undermined by Arminians and Papists: who mask not in strange visers: we conceive it not to be simply the priests and papists: but there patrons and favorites who have power to check lawe. The persons are discovered thence it cometh that we suffer to free themselves. Some prelates of the Church: some others: that Bishop of Winchester proved what done to the favor of some disfavor of others. Doe we rest here: neyther doth the feare arise from this ground: those that contract a feare to be discovered of there falts joyne to putt a jealousy in the King agaynst this house: in this kind I look upon the Lord Treasurer of England: in whose person is contracted all these evils. If I looke into Religion or polley: I mete him acting, and building upon the grounds layd by his great m[aste]r the D[uke] of Buck[ingham]: from him and his ill Counsellors proceeded the unhappy conclusion of the last Parl[iament]. And who is an instrument to break Parl[iament], Parl[iament] in conclusion will break him. Relacion of priests and Jesuits only to him: which by good profe: feare of our Religion from his person. Feare of his polley: in Tun[nage] and Pond[age], instruments move by his power. To make this land fitt for invasion there must be an impeachment of the trade: then our walls the ships ly wast. He doth alsoe invite strangers to come in to

drive trade: that our merchants shall trade in strangers bottoms: this causeth him to cast us into a misunderstanding with the King: and to work our miseries. The safty of the King can not be but in the safty of his peple. That we protest to defend our Religion: to declare our self in defence of the Law which is the Subjects right: that we may the better serve his Majestie. To protest agaynst the persons of those men who shal consell or act the levying of Tunnage without an act of Parl[iament] as the greatest offenders. That if any marchant shal pay those duties voluntarily without an act: that we shod hold him accessary to these great offences.

MR. CORITON: If we love the King, God, our Country: we have reason to speke to him now: we came with full harts: and to supply his necessities: when we see these things offered here which in former tymes were judged treason, when the King shal justify offenders in this house, when offenders shal have a command of the King for breaking the Lawes, hence greefe.

Moved some short thing be presented to his Majestie to shew him his danger: and to desire him to take counsell but not from those voted here to be ill consellers.

MR. WESTON: Lord Treasurers sonne. In mee the duty of Subject, servant, sonne. Upon weak presumptions to make great complaynts: may bring ruine. It is God that judgeth the hart. The actions of his father deserved praise: King Ja[m]es made choyce of him for a Instrument to imploy abroad: his loyalty, and Religion shal stand as a Rock agaynst false accusacions.

MR. COKE:^b he that shal consel to weken Religion is an enemy to Religion: he that will weaken the State: an enemy to the Kingdome.

SIR H[ENRY] VANE: with as trobled a Sole as any man. I shal never condeme any man upon Jelosies: or except the fact be proved: when the particulars shal be debated: he will be able to acquitt himself: I never found man in Religion more clere nor more true: I speke not of these circumstances: his wife and children. And in that respect heretofore we delivered him not soe much as for a suspected man. If I cold tell you as well what to do as not to doe, I shold be happy to come of[f] this Rock. If to vote this would advance any thing to a quiett conclusion of this Parl[iament] I shold consent, but this not the way: Lett Mr. Speaker goe to his Majestie. To think of some forme to send to the King: and to present something by which wee shall agree upon to work our peace.

SIR JOHN ELIOTT: that he onely feared our interruption came by the person of that great man. Moved that the Speaker wold present to the King the scope of our loyall intention.

MR. LITTLETON. Every man ready to lay down lives and fortunes at his Majesties feete: yet withall let us not leave behind us that honesty

^b Clement Coke. March Second account (p. 263).

which every man ought to carry: whoever shall be an instrument to innovate in church or religion: or imposition of taxes more then lawfull to declare that man an enemy to the State.

MR. LONG: that man, marchant, that shall give away my inheritance to vote him a capitall enemy to the State and Kingdome.

MR. SELDEN.² If you our Speaker will not putt to question at our command, then according to a particular command brought this house by you we shall never doe any thing but according to that particular command: you refuse to be our Speaker. And in that regard the paper to be given to the Clerk to be read.

SIR DUDLEY DIGGS. To adorne: in obedience he had hetherto held his tongue.

SIR ROBERT PHILLIPS: That God wold keep the King from ill counsells and counsellors: If that great man be giltey, he will bee a means to work with the King: that he may be tryed here.

MR. HOLLIS. Noe man meant to vote any thing agaynst any particular person but in general: whoever shall consell, or shalbe an actor in taking the Subsidy of Tunage before a Law: he shall be declared a Capitall Enemy to the State. What marchant so ever shall pay without a law to declare him a betrayer of the liberty of his country.

SIR THO[MAS] GERMAN. That the messenger who came for the Serjant from the King stayed at the dore, and marvelled there was no answere.

MR. WANSFORD. Judge of one anothers reasons without prejudice to the persons of one another.

MR. SPEAKER. Acknowledged the trust reposed in him to give him leave to goe to the King wherein he wold deale really and cordially and faithfully.

SIR PE[TER] HAMOND: I am sorry he is a Kentish man thus to pluck up our Liberties by the Rootes: not to goe before we have righted our selves agaynst him.

Mr. Maxwell sent by the King to the Speaker: but not suffered to come in.

MR. HOLLIS: offered to read what he had written.

First: who ever shall bring in any innovacion in religion: as namely Arminianisme shall be accounted a Capitall Enemy to the King and Kingdome.

Who shall counsell the King or be an actor or instrument in taking tunnage and poundage till an act of Parla[ment] Capital Enemy.

² Above this name was written and then crossed out, *Sir Robt. Pye*. According to the March Second account Pye spoke between Long and Selden.

What marchant soever shall pay shal be held a betrayer of the Liberty of the Kingdome.

SIR NAT[HANIEL] RICH. That if the message by Mr. Maxwell were to the Speaker then to adjorne: if to the house then we must sitt.

SIR FR[ANCIS] SEYMER: To adjorne.

The Court adjourned till 9 of the clock: to morrow sevenight.

The 10th of March: The king in person dissolved the parlament being in his Crowne and Robes.

NETHERSOLE LETTERS

May it please your Majesty

If I did not thinke the diverting of your thoughts from your grieffe^a to be the best way of comforting you in it this should not tell your Majesty that the Parliament began agayne on Tuesday last as now ap-
poynted but that the King your brother came not to the house as is usuall. The very next day in the house of commons they began to complayne that the Petition of Right granted the last Session had beene already invaded in all the partes thereof; that of mens persons by the imprisonment of a marchant without showing a lawfull cause and the difficulty used in granting him his Corpus habeas, that against the use of martiall law by the taking of a mans eares off by a sentence in the Star Chamber, being an arbitrary law and having no power of life or limme, that of the property of mens goods by the seizure of the wares of divers marchants for refusing to pay the customs and Impositions there being no law to demand them, and the refusing of the grant of a writ of replevin when it was demanded.^b Upon these grounds they were going on further the next day and got heate in going, when Mr. Secretary Cooke by a message from his Majesty wished to forbear further speech thereof till this day^c on which at two of the clocke afternoone both houses should attend his Majesty in the banquetting house at Whitehall. They have done so^d and there the King your brother taking notice of these complaynts hath declared that as for tunnage and poundage as he had not thought of taking it by the prerogative or by any other right, then of the gift of his people, so he assured himselfe that it was onely for want of time that they had not given it to him the last Session,^e and that if they would do it now, as he doubted not but they meant, they might thereby put an end to any dispute about it, wishing them in conclusion not to be too easy in beleiving rumors of him no more thanks would be of them, that this Parliament begun with a mutuall confidence might have a happy conclusion.

This speech hath given great satisfaction at the present. I pray God it hold out to the end of this meeting.

The House of Commons doth also shew to be much discontented with the printing of the Petition of Right with the severall answeares given

^a Nethersole refers to the death of the Prince of Bohemia. See Beaulieu's letter to Sir Thomas Pickering in *Court and Times of Charles I.* 2:7.

^b Nethersole was giving an abstract of Selden's speech.

^c Secretary Coke's message from the King came on the 23rd not on the 22nd as Nethersole would imply

^d Nethersole was evidently writing on the evening of the 24th.

^e If the King were courteous enough to wait for their grant, they should be courteous enough to make it. The King clearly implied—whether he meant to do so or not—that it was a favour on his part to wait, a position subversive of the very thing for which the Commons were standing.

thereunto, and his Majesties speech the last day of that Session, the rather because it was at first printed with this answere onely, *Droit soit fait comme il est desire*. And that impression afterward suppressed. But that which troubleth them most is the recording of that last speeche of his Majestyes in the Clarkes booke of our house since the making of that recesse both which his Majesty doth take on him to have beene done by his commandement¹ yet will they hardly rest satisfied therewith.

In matter of Religion they are quiet as yet for it is early dayes. But the greatest business is like to be about that notwithstanding that his Majesty hath called in Montagues booke by a speciall proclamacion which I herd your Majesty [*blurred*]. His Majesty had also granted his pardon to Montagu, Cosens, Mainwaring and Sibthorpe. But that will hardly save some of them. God keepe us in good temper.

Your Majestys most obedient and most faythful humble
Servant Nethersole.

My Lady Montgomery is fallen sicke of the small pox, whereupon your sister is this day removed in haste to Somerset house.

May it please your Majesty.

With this your Majesty shall receyve a copy of the speeche the King your brother made to both houses on Saturday last the effect whereof I put in my letters of that day, but his Majesty having afterwarde sent a copy thereof to the Speaker of the House of Commons, for that circumstance though for no other I suppose your Majesty will be desirous to read it. In pursuance of that speech of his Majestyes on Monday last the bill of Tunnage and Poundage was brought into the house by Mr. Secretary Cooke who desired it might then receyve the first reading. But that which at the first propounding seemed a very reasonable and passable motion abode a long debate, and was at last overruled upon this reason that that bill is in truth as it is intituled a bill of Subsidy and that therefore the matter thereof ought to be resolved on in the house before the bill were brought in as in other bills of subsidyes it useth to be. The rest of that morning was spent in the hearing of the complayntes made of the shippes which are ready to go for Spayne laden with corne, fish etc. (the consideration whereof was referred to a select Committee) and other complayntes of the growth of Arminianisme and Popery, the consideracion whereof was putt of to the Committee for Religion which was to sit that afternoone. Then some entrance being made into the matter of Arminianisme it was thought fit that the Remonstrance made the last Session should be renewed because one branche whereof concerneth Arminianisme. By occasion whereof it came to be knowne that that Remonstrance

¹ Cf. Lowther's account for Jan. 23 (p. 9, note b).

was by his Majestys commandement taken from the Clarke and delivered to my Lord Privy Seale. This was conceived to be so great a violation of the privileges of the House that it was soone resolved to stay all further proceedings till that Remonstrance being a Record might be had. The next morning it was brought into the House by Mr. Secretary Cooke and there delivered with a message that the King expected the House should presently proceede with the bill of Tunnage and Poundage. But that message fell to the ground because it was ordered before that the matter of Religion should have the precedence before all other and the rest of the morning was spent in some generall speeches concerning the manner of the proceeding in the matter of Religion and in agreeing of a Petition wherein the Lords and Commons joyne for the having of a generall fast throrought the kingdome, in speaking whereof Sir Robert Philips gave for one cause the losse of your Majestys Sonne and by that occasion spake in little much to his prayse. That Petition was this day delivered to his Majesty by Committees of both Houses, and granted but with these two notes that the desolation of the Reformed churches abroad (which is a principall reason for the desir of this fast) required rather fighting then fasting and that his Majesty will not hereafter have it goe into a custome that every session must begin with a fast. I had almost forgotten this mornings worke. For when the house was ready to be resolved into a committee to take in hand the matter of Religion, Mr. Secretary Cooke delivered another Message from the King whereby his Majesty taking notice of the putting of the bill of Tunnage and Poundage by pretence of an order made for the giving of the first place to matters of Religion, required us notwithstanding to go presently in hand with that bill and withall let us know that he had already done so much in the matter of Religion that he expected rather thanks for it, then a Remonstrance, yet forbad not this House to proceede in that, neither so that they kept themselves within their boundes and meddled not with that which belongeth not to them. Hereupon it was thought fit to returne an answeare to this message and divers heades of that answeare having beene propounded the penning of it was referred to a speciall Committee who are to bring it in tomorrow morning. God send it may be such as may give his Majesty satisfaction and be a meanes to stay all future messages sithence no one thing doth more retard his Majestys service and diminish his authority. So I humbly take leave.

Your Majesty's most obedient faythfull and humble servant
F. M. Nethersole.

Westminster, 28 Jan 1628.

May it please your Majesty.

On Saturday last I sent your Majesty a briefe and hasty account of the proceedings in Parliament that weeke, and shall now do the like of this. Some of my letters to the King in August last made mention of one Jones a stationer who when Montagu the now Bishop of Chichester was to be confirmed made some opposition thereunto. That your Majestie may the better understand it, and much is like to be done thereupon in this Parliament, I must trouble you with a summary relation of the manner of making Bishops in these times, which is this way. A statute made in the 25th yeare of Henry the eight and revived in the 8th of Queen Elizabeth it is ordered that when a Bishopricke is voyd the King shall write his letters to the Deane and Chapter of the Cathedrall Church giving them leave to chuse a Bishop as used to do in ancient times and these letters are therefore called a Conge d'elire but with them the King sendeth another missive by which he nominateth unto them some man for to be elected and although they proceede in the election with the auncient ceremonyes yet are they by that statute bound to make choice of that man so nominated by the King and of no other. After this notice is given to the Archbishop of this election, and by those statutes the Archbishop is bound to confirme the man so elected within twenty dayes, or els he incureth a premunire. Notwithstanding in this also it hath beene thought fit to retayne in part the ancient Ceremonies. For the Archbishops Commissary doth make a solemne proclamation at Bow Church that whereas such a man is to be confirmed Bishop to such a church, if there be any man that can shew any cause either in his life or his doctrine why he is not fit to be confirmed a Bishop that he should there particularly declare it, which being a mere frivolity there hath not beene any exceptions taken to any Bishop since that time of King Henry (if there be record of any before) untill that Jones then came and presented in writing a formall exception to Montagu drawne up by an Advocate for having in his bookes taught doctrine not agreeable to that which is established in this Kingdome as he shewed in certayne Articles which are the same [*sic*] have been heretofore prepared against him by two Parliaments. But the judge taking advantage of this that there was not an advocates hand to this libell proceeded to a confirmation without regard of this exception the true Reason thereof being that otherwise both he and my Lord of Canterbury had incurred a premunier. Jones hath now preferred a Petition to the House of Commons, wherein he complayneth hereof, and thereupon his counsell was heard on Sunday last, who sayd what they could to make good the validity of this exception, and thereupon to voyd the confirmation. But when they had done Sir Henry Martins [*sic*]

soone shewed the contrary by many reasons, and this among others, that regularly the proclamation ought to be made at the Cathedrall Church, which is vacant, and the exceptions put in by somebody of that diocese, as a sheepe of the flocke over whom the Bishop is confirmed paster, which Jones was not, notwithstanding the common lawyers are not satisfied with this, nor with all his other reasons, and therefor there is a day appoynted for the further debate of this matter which some of them study hard out of an apprehension of the danger our Religion may be in by this vast power encreased to our Kings, if God for answer[?] should send us one of a contrary Religion, or if it be but by preferring of Arminians now. There hath been much sayd against them, and among other thinges the printers have preferred a Petition whereby they alleage that of late all bookes written against them have been suppressed namely one written by Bishop Carleton but others written in their favour have beene licensed. There is now a Committee appoynted to draw the matter to some heads, which I will send your Majesty, as soone as they have done. In the meantime the Committee of the whole house proceede into Popery, and therein Dr. Moore hath in person under his hand writing accused the Bishop of Winchester, Neale, of the words and thinges mentioned in my last—one Dr. Marshall is also sent for with whom that Bishop is sayd to have held the like language. So is one Dr. Beard who being many yeares since to make the rehearsall sermon at the Hospitall, and there to repeate one of Dr. Alablasters in which he at Paules Crosse had preached some pointes of Popery Dr. Beard was dealt with by Neale then Bishop of Lincolne not to make any confutation of those poyntes and rebuked for not having obeyed him therein. But we are now fallen upon another matter which is in March last. Mr. Secretary Cooke having discovered that there was a college of Jesuits secretly erected at Clerkenwell caused the house to be searched and there found ten of the Society, store of massing vestments, a library, furniture of a house marked with letters to shew it belonged to the Society, a Relique of the Ashes of Ignatius and divers papers by which it appeared that this college had beene held at Edmonton about four yeares before, and now to Clerkenwell, where they had hired the house for three yeares, and gotten 400 a yeare toward the maintenance thereof of a founder and divers benefactors not yet discovered, it also appeared that they had there held a Congregation of Jesuites of this Kingdome that they held intelligence with the Provinciaall and Generall of their order, had receyved monitoryes from him and whereby they were commanded to pray for the successe of a business of great moment, and much other evidence of their being a formall College living under rules. Mr. Secretary Cooke acquainted the King him self herewith who being

very sensible of the boldnes of this attempt commanded him to acquaint the counsell therewith, and the lords commanded Mr. Attorney to proceed against the ten prisoners according to the law, to which purpose Mr. Secretary Cooke delivered him all the fore sayd papers by which it plainly appeared that they were Jesuites. But Mr. Attorney not following the business him selfe but recommending it to the care and pursuite of one Mr. Long a Justice of Peace gave him directions to indite three of them for Priestes and to offer the oath of allegiance to the other seven, upon refusall whereof they might afterward be indited. By this meanes whereas they might have beene all convicted for Jesuites which is no lesse Capitall then being a priest, one of them onely who professed him selfe a Priest was condemned, and he reprieved too, the other two were acquitted for want of proove of their being priests, and the seven were all bayled upon slight bondes. Beside when Mr. Long at the sessions offered to give evidence against them out of the papers he had from Secretary Cooke he was not hearkened to, but held to the issue of Priest or not Priest by my Lord Chiefe Justice Richardson especially. This is understood by the House to have beene done of purpose to free the men, and as they suspect by higher direction, after which there will be a diligent inquisition. I am very sorry, for Mr. Attorney General Heath is much your Majestys servant. He was freed by the King on Munday last with this admonition that he should feare God and the King and none els, and now being fallen into the ill opinion of the House of Commons is in danger to be crushed between two rockes.*

On Thursday last the matter of tunnage and pundage was taken into consideration and by that was then sayd it is easy to see that the House will give it to the King your brother without any directions in point of profit, but not without a very full acknowledgment and declaration of the right of the subject, and cassation of all that hath beene done to the prejudice thereof either by the King your father or your brother. How this will please his Majesty I much doubt. I am sure he is much displeased that there is no more hast made to passe the bill and yet since

* There can be no doubt but that Heath was, at this particular moment, not only out of favor with the House of Commons but with the King as well. On Saturday February 7, he was confined to his chamber and not released until the following Monday (Hist. MSS Comn., 7th Report, app. p. 544, Robert Barrington, M.P. to his mother; Add. MSS 35.331, Walter Yonge: *Diary*). Yonge states that the "cause is unknown but that hee hath offended the King." Later he adds: "It is since reported that the King committed him for revealing some of his secretts." Heath himself in a letter written February 7 to Dorchester begged the latter's intercession with the King. He maintained that he had no ill intention in what he did, and he promised to be more careful in the future (*Cal. St. P. Dom. 1628-29*, p. 468-69).



Thursday there is nothing done therein, nor will be much till Religion be settled whereon the hearts of all the house are expressly set.

So Humbly rest.

Your Majestyes most obedient and most faythfull humble
servant

Frac. Nethersole.

Westminster this 14th Feb. 1628

[*On margin*] Madam. The Lords have resolved on a petition to the King your brother for the putting of Irish Viscounts below English Barons. It was moved to have had their honors reserved:

MARCH 2ND ACCOUNT

[From the two copies of this account^a it is difficult to attempt to reproduce the original. One feels that the second is nearer the original in its phrasing. In Eliot's long speech where the two copies differ in sense it is this one which agrees with the Port Eliot MS. But from the end of that speech the handwriting is different and the copying so hurried as to be full of verbal omissions and mistakes. The first copy is much more wordy than the second. Where the additions add clearness to the narrative they have been put in the text, where they only improve the style they have been put in the notes. Repetition of differences which occur frequently have not always been noted, as the use of *King* in the second and *his Majesty* in the first. In dealing with such differences we have in general kept to the usage of one manuscript in order to gain uniformity. For example in the text the name only of each speaker is given though the second copy often preceded the name by *then* or followed it with *said*. But to have carried this uniformity to the extent of giving all the speeches in the first person would have destroyed the character of the narrative, for often the change was made in the middle of a speech. The narrative as here given is probably fuller than was any one copy. But if, as seems probable, the copies were all made at the time for the use of the judges,^b the additions which add substance or clearness all deserve a place in the text.]

2 MARCH 1628

Prayers being readd,¹ and the House settled, the Speaker told the House he had a message to deliver from his Majestie, which was² as followeth:

Gentlemen,³ his Majestie hath commanded me to signify unto you, that it is pleasure,⁴ that this⁵ House bee agayne⁶ adjourned till tomorrow sevensight at 9 of clock,⁷ that in the meane time all proceedings in this House, and in committees to bee forborne: and soe asked if it were their pleasures, hee should accordingly adjourne the house.⁸ Whereupon there beeing a great Cry Noe Noe,⁹ Sir John Elliott standing up to speake, and many in the House calling upon him to speake,¹⁰ and the Speaker still standing, signified agayn unto the House, that his Majestie had layed

¹ ended. 2. For abbreviations see note a below.

² Mr. Speaker beganne to say. 2.

³ Only in 2.

⁴ signifye his pleasure. 1.

⁵ the. 1.

⁶ agayne only in 2.

⁷ at 9 of clock, only in 2.

⁸ and soe . . . , only in 2.

⁹ there . . . , only in 2.

¹⁰ and many . . . , only in 1.

^a St. P. Dom. 1628-29, vol. 138, nos. 6 and 7. These manuscripts will be referred to in the notes as 1 and 2.

^b For a discussion of this account, see the Introduction (pp. lxvi-lxvii).



an absolute command upon him,¹¹ that the House should bee presently adjourned, without any speech or other proceedings, and¹² that if any in the House did offer¹³ to speake after the message delivered,¹⁴ he should instantly¹⁵ leave the chaire, and weight upon his Majestie.¹⁶ That notwithstanding, there beeing a great crye, to have Sir John Elliott heard, and hee standing still to speake, Mr. Speaker offered to goe out of the chayre, but was held in by the Armes by Mr. Hollis and Mr. Valentine. But notwithstanding hee at length gott out of the chayre, and (divers of the House flocking up towards the table) hee was agayne with a strong hand by them two put into the chayre.¹⁷ And when the House was agayne settled,¹⁸ Sir JOHN ELLIOTT (pretending to speake only to the order of adjournement) sayd the like to this had never been donne¹⁹ in this House, but the other day. That it is²⁰ the fundamentall liberty of the²¹ House, that wee have ever adjourned²² our selfs. That when the King sent his Comission hither²³ to adjourne us to Oxford, the House layed by the Comission, and adjourned it self. That there hath been some misrepresentation to his Majestie of the Course of our proceedings, that his Majestie may have been enformed, wee have trenched too farre upon the power of the Soveraintie: but wee have professed in all things²⁴ to obey him as the highest under God: And yet upon all such²⁵ occasions we have ever had interruptions,²⁶ when the honor and justice of the Kingdome hath bene in question: Nothing hath bene done amongst us, but that which is agreeable to his Majesties justice; and as he is just, so we doubt not but he doth justly intend to performe, what we shall desire of him.²⁷ We have for the present²⁸ onely prepared a short declaracion of our intentions,

¹¹ the Speaker told them, that he had an absolute commandment from his Majestie. 1.

¹² that the house . . . , only in 2.

¹³ any body offered. 2.

¹⁴ after . . . , only in 1.

¹⁵ presently. 2.

¹⁶ and weight . . . only in 2.

¹⁷ Sir Jo: Elyot nevertheless standing up still to speake, and many in the House calling upon him, the Speaker went downe out of the chaire, but was violently forced into it againe by Mr. Hollis and Ben: Valentine, the one sitting close to the chaire on the one side, and other on the other who taking the Speaker by the armes drew him into the chaire and many others flocking up towards the chaire to assist them. 1.

¹⁸ Where he being placed against his will. 1.

¹⁹ spake to this effect: Mr. Speaker, there was never the like of this done. 1.

²⁰ It was. 2.

²¹ this. 1.

²² used to adjourne. 1.

²³ hither, only in 1.

²⁴ but I hope, we shall in all things be ever ready. 1.

²⁵ small. 1.

²⁶ interruptions have come in among us. 2.

²⁷ can desire from him. 2.

²⁸ We have therefore. 2.

which I hope shall agree with the honour of the House, and the justice of his Majestie. And with that hee threw downe a paper into the midst of the flower, from the highe ranke where he sate,²⁹ desiring³⁰ it mought bee read. Which beeing taken up and delivered to the Clerke,* and called upon to bee read by a great Cry,³¹ MR. SPEAKER agayn stood up and told the House: That they had ever used upon a message delivered by the Speaker,³² from his Majestie for adjournment, to adjourne without any further speech after it.³³ And the Speaker persisting still in his resolution to obey his Majesties command, was violently called upon by many to have the paper readd. He still desired the House not to presse him to it, but that they would consider what any of them would doe, if they were in his place, and that his desire to serve them faithfully might not be his ruine.³⁴

MR. KIRTON stood up and sayd, that this was³⁵ contrary to that which his Majestie delivered unto³⁶ us at Whitehall: He then told us,³⁷ that he would beleve nothing of that which³⁸ was reported to him of our proceedings here,³⁹ but by the whole House. He hath now certainly bene misinformed of us by some false reports, which hath begotten⁴⁰ this message, and therefore would know by what warrant Mr. Speaker had delivered⁴¹ this message unto us.

Then sayd⁴² SIR WALTER EARLE, the Speaker was wont ever to bring the Kings letter to the house⁴³ for his warrant, when he delivered any such message.⁴⁴

MR. SPEAKER thereupon giving assurance, that hee had the message from the King himself, thanked that gentleman, for giving him occasion, to acquaint the House, how carefull he had been upon the last dayes adjournment to looke into presidents, with intention that if this might have appeared different from the cours held in former times he might in all

²⁹ And with . . . , only in 2.

³⁰ and doe therefore desire. 1.

³¹ Which being . . . , only in 2.

³² Speaker. I finde that ever when a message hath bene delivered. 1.

³³ without . . . , only in 1.

³⁴ Whereupon Mr. Speaker still persisting in his obedience to the kings commands, and repeating it. 2.

³⁵ Kirton. Mr. Speaker, this is. 1.

³⁶ sayd to. 2.

³⁷ He . . . , only in 1.

³⁸ he would not believe what. 2.

³⁹ of our . . . , only in 1.

⁴⁰ may have begott. 2.

⁴¹ I would therefore know what warrant you had to deliver. 1.

⁴² Only in 2.

⁴³ to the house, only in 1.

⁴⁴ when he . . . , only in 1.

* "Sir William Fleetwood took it up and brought it to the Chaire." Grosvenor (p. 240).



humbleness have acquainted his Majestie therewith.⁴⁵ I find one president 27^o *Eliz*: when by the Queenes commaund signified by the Speaker, that the House should adjourne for a day, it did so, and the like a 2d time in that yeare.^b I find also the like 1^o *Jacobi* in the first Session; upon the Kings commandement an adjournement for a weeke.^c Also in the 3d Session of that Parliament a message was brought from the Lords that it was his Majesties pleasure, that the house should be adjourned, and so it was.^d Also againe in that 3d Session the Speaker delivers the Kings pleasure for an adjournement for a weeke: The Speaker, when they mett againe was chalenged for it, and he produced no letter for his warrant, but made answer, that as it could not be denyed, but the House had power to adjourne it selfe, so it was as true, that the King had a superior power, and that he had commanded this adjournement.^e And so I finde it entred in the Clarkes booke.⁴⁶

Then MR. CORRITON stood up and sayd. That this was⁴⁷ a thing never doon in this House before: That the speaker⁴⁸ would offer to leave the Chaire notwithstanding the Commaund of the House to the Contrary. That wee had all bene much⁴⁹ to blame for our disorder and himself amongst the rest, but Mr. Speaker most of all. That an unreverent woord of his Majestie was not heard amongst us all this while.⁵⁰ That you Mr. Speaker ought to hear what men would speake and if they⁵¹ doe speake unreverently then they may be afterwards⁵² questioned for it, but you ought to put the question for the reading of the paper, since the House calleth for it.⁵³

Then Mr. Bellassis mooved that the Speaker if hee woould not put it to the question should come out of the Chaire and the House should choose another.⁵⁴

⁴⁵ *Speaker.* To let the house see, that I have not bene altogether idle in this time of adjournment, in informing my selfe of what hath bene done heretofore in like cases, I have looked into many bookes and presidents to the end, that if I had found any to the contrary of that is now done, I might in all humblenes have informed his Majestie of it. 1.

⁴⁶ I find . . . , follows 1. 2 gives only the following summary: And soe by helpe of a paper Cited divers Presidents both in the time of Queen *Eliz*: and King *James*; by which it appeared that upon signification of the Royall pleasure by the speaker for Adjournment of the house, it had alwayes been obeyed without dispute or putting to question.

⁴⁷ *Coryton.* Mr. Speaker, it is. 1.

⁴⁸ *you.* Direct form throughout this speech in 1.

⁴⁹ *bene much*, only in 1.

⁵⁰ *this while*, only in 1.

⁵¹ *any man.* 1.

⁵² *afterwards*, only in 2.

⁵³ *but you . . .*, 1. and so called to have the paper readde, in 2.

⁵⁴ direct discourse in 1.

^b *Cf.* D'Ewes, 373. D'Ewes gives but one instance in that year.

^c *Cf.* C.J. 1:167.

^d *Cf.* C.J. 1:331.

^e *Cf.* C.J. 1:375, 376.

Then SIR JOHN ELLIOTT sayd wee are all ready to obey⁵⁵ his Majesties Commaund, and to adjourne; but I desire, this declaracion may be first readd.⁵⁶

MR. STRODE. I desire the same; that we may not be turned off[f] like scattered sheepe, as we were at the end of the last Session, and have a scorne put upon us in print;⁵⁷ but that we may leave something behind us.⁵⁸

MR. VALENTINE. Mr. Speaker, be not you the ruine of the King and of us all in disobeying the command of the House;⁵⁹ we are all the Kings faithfull Servants, and will dye at his feete; and we desire to have the declaracion readd.

MR. HOLLIS. Are wee a Parliament, or no Parliament? If we be a Parliament, and⁶⁰ assembled here by the Kings commandement, and trusted by those that have sent us hither, you are our Servant; and our Servants and Officers ought to obey us; and therefore according to the command of the House, let the paper be readd, or put to the question.⁶¹

SIR FRANCIS SEYMOR. If no man speake against the reading of it (as I heare no man, that doth) it ought not to be put to the question,¹ but to be readd without a question; and therefore let it be readd.⁶²

[MR.] CLEM[ENT] COOKE, let it be put to the question.⁶³

SIR PETER HAYMAN. Mr. Speaker, you are but a⁶⁴ meere Servant of the House; and therefore since the House requireth it,⁶⁵ you ought not to doe the King somuch disservice, nor the House somuch dishonour, as not to have it readd; and therefore put it to the question.⁶⁶

SIR JOHN ELLIOTT. Mr. Speaker, I speake both for the honor and order of the House: There hath bene a generall concurrence of desire to have this paper readd, and no man hath spoken against it: and it

⁵⁵ *we will all obey.* 2.

⁵⁶ From this point some speeches given in direct form in 2.

⁵⁷ *Meaning thereby the words which your Majesty, in your own Person, spake at the ending of the last Session.* Heath's Information (Rushworth 1:668).

⁵⁸ *Therefore mooved that the declaracion mought bee first readde.* 2.

⁵⁹ *in disobeying* . . . , only in 1.

⁶⁰ *a Parliament and,* only in 1.

⁶¹ In place of *you are our Servant* . . . , in 2 is given *then it is fitts our servants and officers should obey us, and therefore Mr. Speaker must putt it to the question.*

⁶² 2 indirect and condensed.

⁶³ Only in 1.

⁶⁴ *he.* 1.

⁶⁵ *and therefore* . . . , only in 1.

⁶⁶ *and therefore* . . . , only in 1.

¹ The Speaker follows Eliot in Grosvenor (p. 240).

² Grosvenor (p. 240) adds "and that those that wold have it read shold stand up: and testify there consent." The Verulam MS (X1) gives a speech by Strode very like this but placed much later in the proceedings. See True Relation (p. 105, note 17).

³ Grosvenor follows Holles with a speech by Sir William Constable.

⁴ Cf. Grosvenor (p. 240).

being the generall consent of the House, for you to refuse to put it to the question,⁶⁷ I never saw a greater contempt and affront in Parliament. It hath bene well opened to you,⁶⁸ what you are to the House, and it is sufficient for you⁶⁹ that you are commanded by the House to put the paper to the question:⁷⁰ I should be sorry that for this contempt and affront you should be judged a delinquent.⁷¹ But if you shall still continue to denye the putting of it to the question, the next steppe is, that you be called to the Barre for not doing it: To avoyd that⁷² putt it to the question, and if you do⁷³ it by the command of the House no doubt but it will satisfye his Majestie.

About this time there was a confused noyse that the doore should be shutt and the key brought up; which the Serjeant being loth to doe, SIR MI[LES] HUBBERT sayd, If the House would trust him, he would keepe the key of the doore, and see that no man should goe out. To which mocion many agreed, and he according tooke the key.⁷⁴

MR. SPEAKER. Though I should hold it one of the greatest miseries, that can befall me, to be called to that Barre; yet I will readily undergoe any shame or censure you can lay upon me, if that will satisfye you.

SIR WALTER EARLE. Mr. Speaker, you cannot be ignorant in what a desperate condicion⁷⁵ the whole Kingdome is:⁷⁶ and you know not how farre that which is in that paper may conduce to the helping of it, and to the service of his Majestie:⁷⁷ let it not lye upon your Conscience to hinder the reading of it.⁷⁸

SIR EDWARD GILES. Mr. Speaker, I pray you lett it be read,⁷⁹ and if any thing bee amiss in it⁸⁰ lett them⁸¹ answer it that brought it in. Protesting that hee knew nothing what was in it.⁸²

Then⁸³ THE SPEAKER humbly besought the House, that they would give him leave to goe to the King: He had heretofore done them no ill

⁶⁷ for you . . . , only in 1.

⁶⁸ to you, only in 1.

⁶⁹ for you, only in 1.

⁷⁰ Instead of *put the paper* . . . , in 1 is given *doe it*.

⁷¹ 2 adds, *and called to the Barre*.

⁷² and therefore you ought to. 1.

⁷³ After this had been written, it was changed to read, *doe it and you doeing* in 1.

⁷⁴ About this time . . . , only in 1. Written in the margin

⁷⁵ Case. 2.

⁷⁶ Religion and the Kingdome is in. 2.

⁷⁷ and to . . . , only in 1.

⁷⁸ If therefore you will not suffer it to be readd, it will lye upon your conscience. 1

⁷⁹ put the reading of the paper to the question. 1.

⁸⁰ and if there be anything in it, that is amisse. 1.

⁸¹ him. 1.

⁸² Protesting . . . , only in 2.

⁸³ Here. 1.

service by going to him in such a streight, and he will serve them now againe with the like fidelitie: and (saith he) if I doe not returne, and that speedily, teare me in pieces,⁸⁴ and a various Cryes following of I and Noe.^{85]}

SIR JOHN ELLIOTT. Mr. Speaker, That paper which was presented for your reading,⁸⁶ when it had passed your view, I doubt not but it would not have bene judged otherwise but as befitting⁸⁷ the duetye⁸⁸ and loyaltie of good Subjects: Therefore⁸⁹ if you still continue in your⁹⁰ humour of not putting it to the question,⁹¹ to vindicate the liberty of our posteritie, we must fall upon your person: and what man was ever blasted in this House, but a Curse at length⁹² fell upon him? And for that paper,⁹³ since you refuse to put it to the question, I shall move, that it⁹⁴ may be returned to me⁹⁵ and I will deliver to the House⁹⁶ the substance of it, so as that all⁹⁷ the House, and all the world^k may know the loyaltie and affeccion of this House to his Majestie.⁹⁸

MR. STROWDE. Mr. Speaker, you have protested your selfe to be our Servant, and⁹⁹ if you doe not what we command you that protestation of yours is¹⁰⁰ but a Complement: If you bee our Servant you must obey us for the Scripture sayth His Servant you are whom you obey. And after a little pause stood up and sayd Will you or will you not?

MR. SPEAKER: I am not the lesse the Kings Servant for being yours: I will not say I will not put it¹⁰¹ to the question, but I must say I dare not.

SIR JOHN ELLIOTT: hearuppon pressing to have the paper, and coming down some steps from his seat to take it, and having gotten it notwithstanding that many cried no, began to speake to this effect.¹⁰²

⁸⁴ desired that they would trust him as they had doon heartofore to goe to the King protesting that hee would returne. 2.

⁸⁵ and a various . . . , only in 2.

⁸⁶ to be read. 1.

⁸⁷ would have bene judged, as a thing not ill befitting. 1.

⁸⁸ only in 1.

⁸⁹ Therefore, only in 2.

⁹⁰ that. 1.

⁹¹ not to have it read. 2.

⁹² at length, only in 1.

⁹³ for . . . , only in 1.

⁹⁴ the paper. 2.

⁹⁵ againe, added 1.

⁹⁶ to the House, only in 1.

⁹⁷ and so delivered it, that both. 1.

⁹⁸ loyallie of our affections. 1.

⁹⁹ and crossed out and but written instead. 1.

¹⁰⁰ we must take it. 2.

¹⁰¹ the reading of the paper. 1.

¹⁰² In 1 is given only, (the paper being delivered backe to him againe) sayd.

¹ Grosvenor (p. 241) follows this with a speech by Mr. Godfrey.

^k "that the King and world" Grosvenor (p. 241).

I shall now express that by my tongue, which this paper should have done; and I doe it with as faithfull a heart to the King, as ever any man spake in this House: The miserable condicion this Kingdome is in,¹⁰³ both in¹⁰⁴ matter of religion and policye, makes me looke with a tender eye both to the person of the King, and to the Subject: You know, how Arminianisme doth undermine us; and how Poperie comes in upon us so open faced, as it gives a terror to the law: That particular concerning the plantacion of the Jesuites amongst us, and other things incident thereunto doe manifestly show it:¹⁰⁵ And not only those men who are actors themselves¹⁰⁶ (I mean¹⁰⁷ the Jesuites); but those that are their great masters and fautors, such as¹⁰⁸ have power over¹⁰⁹ the law, and dare checke the Magistrates in¹¹⁰ the execucion of their duties, from thence it comes that we suffer: It is the feare of punishment, that may befall them, that brings us upon this rocke: There are amongst them¹¹¹ some Prelates of the Church, That great Bishop of Winchester, and his followers: and what they¹¹² have done to cast an aspersion upon the honour, and pietye, and goodness of the King, hath bene made apparent unto us.¹¹³ These are not all, but it¹¹⁴ is extended to some others, who I feare in guilt and conscience of their owne ill desires, doe joyne their power with that Bishop and the rest, to draw from his Majestie a jealousie of the Parliament: Amongst them I shall not feare to name the great Lord Treasurer; in whose person, I feare, is contracted all the evill, that¹¹⁵ we doe suffer: If we looke either¹¹⁶ into religion, or policye, I finde him building upon the grounds layd by the Duke of Buck[ingham] his great Master. From him I feare came those ill counsells which contracted¹¹⁷ that unhappie conclusion of the last Session of Parliament: And whosoever shall goe about to breake Parliaments, Parliament will breake him: I find this not onely in the affections of his¹¹⁸ heart, but allso¹¹⁹ by relations made unto him, I finde him to be¹²⁰ the head of

¹⁰³ we are in. 2.

¹⁰⁴ for. 1.

¹⁰⁵ make it evident. 1.

¹⁰⁶ And it is not those men alone that are the actors themselves. 1.

¹⁰⁷ Only in 2.

¹⁰⁸ they. 2.

¹⁰⁹ of. 2.

¹¹⁰ for. 1.

¹¹¹ There be in this. 1.

¹¹² that Bishop. 1.

¹¹³ hath . . . only in 1.

¹¹⁴ This is not all, but this crime. 1.

¹¹⁵ all that which. 2.

¹¹⁶ either, only in 1.

¹¹⁷ and from him, and his evill Counsells, and from that feare was contracted. 1.

¹¹⁸ that persons. 1.

¹¹⁹ allso, only in 2.

¹²⁰ he is. 2.

the Papists, they and their Priests and Jesuits have all relation to him;¹²¹ and I doubt not but to fixe it indubitably upon him: and so from the power and greatness of that person¹²² cometh¹²³ the danger upon our religion: For matter of¹²⁴ policie; in the great question of Tonnage and Poundage, the interest that is pretended to be the Kings is butt the interest of that person;¹²⁵ and this to undermine the policie of this¹²⁶ government, and thereby to weaken the Kingdome: It was the Counsell that¹²⁷ Hospitalis Chancelor to Charles 9 of France gave that King;¹²⁸ that the way to weaken this Kingdome¹²⁹ was¹³⁰ to impeach the trade of it, and so to lay our walls wast and open.¹³¹ And I doubt not, but by the disquisition of a few dayes to prove how that person labours this way¹³² to undermine us; that¹³³ he invites strangers to come in, to drive our trade,¹³⁴ or at least to make our merchants trade¹³⁵ in Strangers bottoms, which is as dangerous:¹³⁶ And this is that which imprints (in us) this feare in his person;¹³⁷ and that makes him to misinterpret our proceedings¹³⁸ to his Majestie to the prejudice of us and the whole Kingdome.¹³⁹ Now therefore it will be fitt for true Englishmen to performe their dueties, to show their affection to their Countrey,¹⁴⁰ and their desire to preserve the safety both of King and Kingdome; and so¹⁴¹ to resolve to defend the sinceritie of our religion, and to declare our resolucions also¹⁴² for the defence of the right and libertie¹⁴³ of the Subject, that we may thereby approve our selves to be freemen; and by our freedome may grow¹⁴⁵ the more wealthy and able to supplye his Majestie upon all

¹²¹ the head of that religion, all Papists, Preists, and Jesuites to be supported by him. 1.

¹²² him. 2.

¹²³ is derived. 1.

¹²⁴ matter of, only in 1.

¹²⁵ the interest of the King is pretended, where the interest is the Officers. 1.

¹²⁶ the scratched out and our written instead in 1.

¹²⁷ of, 2; of scratched out and that written instead in 1.

¹²⁸ In 2 was instead of gave that King.

¹²⁹ that for the weakening of this Kingdome the onely way. 1.

¹³⁰ was changed to is in 1.

¹³¹ naked. 1.

¹³² his labours are. 2.

¹³³ how. 1.

¹³⁴ here, added afterwards in 1.

¹³⁵ our merchants to trade. 2.

¹³⁶ ill. 1.

¹³⁷ imprints in us this feare of him. 1.

¹³⁸ things. 1.

¹³⁹ to the prejudice . . . , only in 1.

¹⁴⁰ to show . . . , only in 1.

¹⁴¹ so, only in 1.

¹⁴² likewise. 1.

¹⁴³ and liberty, only in 1.

¹⁴⁵ Instead of that we may . . . , is given in 2, whereby we may declare our selves to be free men, and so.

occasions:¹ And that we should¹⁴⁶ declare all that we¹⁴⁷ suffer, to be the effect of new Counsells to the ruine of the government of this State: and so to make a protestacion against these persons,¹⁴⁸ whether they be great or subordinate, that they shall all¹⁴⁹ be declared as capitall enemyes to the King and¹⁵⁰ Kingdome, that will persuade his Majestie to take Tonnage and Poundage without graunt of Parliament: And¹⁵¹ if any merchants shall willingly pay these dueties without consent of Parliament, they shall be declared as accessories to the rest: And whensoever we shall sitt here againe, if I be here, (as I thinke I shall)¹⁵² I shall declare my resolutions fully,¹⁵³ to¹⁵⁴ fall upon the person of that great¹⁵⁵ man.

MR. CORRITON. Mr. Speaker, I doe not mislike, that you should goe to the King, as your selfe moved; but I would not have you goe yet, I would have the paper readd first:¹⁵⁶ His Majestie hath neede of our helpe, and these persons, named by the gentleman that spake last,¹⁵⁷ doe keepe it from him: Wee all came with a full purpose to give his Majestie¹⁵⁸ Tonnage and Poundage, and a further supplye¹⁵⁹ allso, if it¹⁶⁰ should be needfull: (At which words, the greatest part of the House cryed, All, All):¹⁶¹ But such things have bene¹⁶² put in amongst us now, as have heretofore bene judged treason; to bring in the Kings commaunds, when complaint hath been made that¹⁶³ the lawes have been broken: shall every man that hath broken the Law, have the liberty to pretend the Kings commaunds? Wee know that¹⁶⁴ in ordinary Courts of Justice, the Judges are sworne that neither for the great Seale, nor little Seale to go¹⁶⁵ against

¹⁴⁶ *allso*, added afterwards in 1.

¹⁴⁷ *now*, added afterwards in 1.

¹⁴⁸ *men*. 2.

¹⁴⁹ *all such shall*. 1.

¹⁵⁰ *King and*, only in 2.

¹⁵¹ *that*, added in 2.

¹⁵² (*as I . . .*), only in 1.

¹⁵³ *I will deliver my selfe more at large*. 1.

¹⁵⁴ *to* changed to *and* in 1.

¹⁵⁵ *great*, only in 2.

¹⁵⁶ This sentence given in the third person in 2.

¹⁵⁷ *by the . . .*, only in 2.

¹⁵⁸ *his . . .*, only in 2.

¹⁵⁹ *supplies*. 2.

¹⁶⁰ *as*, 1.

¹⁶¹ *All which speech the House cried All All. Soe hee went on*. 2.

¹⁶² *Things are now*. 2.

¹⁶³ *to pretend the Kings commands, when*. 1.

¹⁶⁴ *Wee . . .*, only in 2.

¹⁶⁵ *they shall doe any thing*. 1.

¹ So far this report of Eliot's speech follows closely point by point that given by Forster (2:240-42) though it is not nearly as full. What follows is not in the Port Eliot MS: the part similar to the Protestations is contained, however, in Grosvenor (p. 242) and Nicholas (p. 170); his promise for the future is in True Relation (p. 104).

the Lawes; much lesse should¹⁶⁶ this Court the most transcendent of all others allow of any such answer;¹⁶⁷ And therefore I shall move, that his Majestie may be entreated¹⁶⁸ from this House to advise with his grave and good Councill, and to leave out those that have bene here noted to be ill Counsellours for the King and Kingdome.¹⁶⁹

MR. WESTON. Mr. Speaker, both as a faithfull Subject to his Majestie, as a good Patriott to my Countrey, and as a dutyfull Sone to my Father, I shall adventure to make such a modest answer to those aspersions cast upon that noble Gentleman lately named, as may befit my young yeares: It is not much to be doubted but some things may be amisse in the Kingdome; if all things were well ordered, we should not neede to meete here so often as we doe: We have here in our consideracion humane lawes; which as they be many, so there is one eternall law of God, that we should love our neighbors as ourselves: Now what can be more unjust, then without true grounds to lay aspersions upon a noble person? would any of us thinke it just to be done to our selves? Those that doe these things doe breede greater breaches; in such assemblies, as these be, then those, who are unjustly taxed for it: Not onely his courses but his affections have bene here taxed; it is God alone, that knowes the heart: And if you will call to minde how his late Majestie made choice of him to be a peace-maker, and how he discharged that trust both at home, and abroad, I thinke, nothing of all that he hath been charged with, will appeare in him: Our gracious Sovereigne that now is hath made choice of him to serve him in a meaner place, then he did his Father; wherein he hath behaved himselfe with that clearenes of fidelitie, that as it hath not bene hitherto heard of him otherwise from the voice of the people, so he hath especially served his Majestie, as a faithfull Subject: And I doubt not, but his loyaltie to his Prince, his fidelitie to his Countrey, and his true affection to religion, shall stand like a rocke against all suspicions; and that it shall truely appeare, that he hath a heart inflamed with a desire of the good of this Kingdome and Comonwealth: I doe therefore humbly desire, that you will not prejudice him, but thinke that he hath as faithfull a heart both to Church and Commonwealth, as any man that sitts here, till the contrary doe appeare: And this I have spoken, as having bene a better observer of his wayes, then others, who upon unsettled rumors and reports without ground would cast these blemishes upon him.¹⁷⁰

¹⁶⁶ ought. 1.

¹⁶⁷ this transcendent Court the highest of all others to permitt the Lawes to be broken. 1.

¹⁶⁸ moved. 1.

¹⁶⁹ unto him. 2.

¹⁷⁰ For this speech only, *Spake effectually in excuse of his father* is given in 2.

MR. CLEM[ENT] COOKE. Certainly,¹⁷¹ whosoever will advise the imposing of¹⁷² Tonnage and Poundage upon the people¹⁷³ without gift of Parliament is¹⁷⁴ an enemye to the Commonwealth: and that this great person hath done this, there are not light suspicions onely,¹⁷⁵ but apparant proofes.^m

SIR HEN[RY] VANE. I shall desire¹⁷⁶ this House not to precipitate their judgement nor their Counsells.¹⁷⁷ I make no doubt, but when these things layd to this great persons charge shall come to be debated, he will appeare to be cleare of them: For matter of religion, setting aside the circumstances of his wife and some children, I thinke him to be cleare for his owne person: In former Parliaments when he hath bene presented here for his wife being a Recusant, he hath had the honor to be cleared: And whensoever I shall finde him to have an ill affection to Religion, I shall as freely give my vote against him, as any man that sitts here, notwithstanding all my former obligacions to him, or knowledge of him: And for that which hath bene moved, that either Mr. Speaker alone, or some few others with him may goe as messengers from this House to his Majestie, I wish it may be done; as one that shall still have hope, that some good may ensue of it, untill the fatall blow of dissolucion come.ⁿ

SIR JOHN ELIOT. I think not now of voting any thing against that great person; but have onely delivered my feare, that that breach which hath bene hitherto made amongst us, and which we now so much apprehend, hath come by his practise; but my intencion was first to have it proved, and then after to vote it: And therefore I desire that the Speaker, and some other honorable persons neare the Chaire may faithfully represent our desires to his Majestie; but that not to be done now, but betwixt this and the day unto which we are to adjourne, tomorrow sevenight.^{178 o}

[MR.] CLEM[ENT] COOKE sayd here likewise that he intended not that any thing should be voted, till it were proved.¹⁷⁹

MR. LITTLETON. Though we come all hither with loyall hearts to serve his Majestie, yet let us not be blamed, if we forget not those, that sent

¹⁷¹ *certainly*, only in 1.

¹⁷² *will lay*. 1.

¹⁷³ *Subject*. 2.

¹⁷⁴ *cannot but be*. 1.

¹⁷⁵ *upon him*, added in 1.

¹⁷⁶ *Desired*. 2.

¹⁷⁷ This speech ends at this point in 2.

¹⁷⁸ more condensed and in the third person in 2.

¹⁷⁹ This speech only in 1 and there written in the margin.

^m Cf. Nicholas (p. 170); Grosvenor (p. 242).

ⁿ Cf. Grosvenor (p. 242).

^o Cf. Nicholas (p. 171).

us hither:¹⁸⁰ And therefore whosoever he be, that shall either goe about to¹⁸¹ undermine Religion or government¹⁸² or to lay any¹⁸³ new impositions upon the people without consent of Parliament,¹⁸⁴ we shall not feare to call him¹⁸⁵ an enemye to his Countrey; but we would have no man named¹⁸⁶ till some prooffe appeare against him.¹⁸⁷

MR. LONG. Nay, I shall say further, that¹⁸⁸ that man, that shall give away my libertie, and my inheritance (I speake¹⁸⁹ of the merchants), if any of them shall pay Tonage and Pondage without gift by Parliament,¹⁹⁰ I shall vote him that doth it to be a capitall enemye to the Kingdome.^p

SIR ROBERT PYE.¹⁹¹ Let us not goe so farre, as to inhibite any man to pay it, that is willing to pay it: If the Marchants will voluntarily doe it, let them doe it, and not be subject to censure for it.

MR. SELDEN. This that hath bene this day in question¹⁹² concerneth the whole body of the House of Commons whether they be any thing at all, or no: I am not ready for voting any thing now; I heare some matters worthy of consideration,¹⁹³ but I know them not: Therefore now¹⁹⁴ to come backe againe¹⁹⁵ to the question of not putting the question: Without doubt (Mr. Speaker) as you are our Servant¹⁹⁶ you ought to put it,¹⁹⁷ when you are commanded by us:¹⁹⁸ If wee must¹⁹⁹ proceede here according to the particular commaund brought to us²⁰⁰ by you from his Majestie;²⁰¹ and you will not putt it to question when you are commaunded,²⁰² nothing shall bee henceforth doon amongst us but what and when you will.²⁰³ We are

¹⁸⁰ This part of speech only in 1.

¹⁸¹ *I am of opinion that whosoever shall.* 2.

¹⁸² *our* was afterwards added before both *Religion* and *government* in 1.

¹⁸³ *any*, only in 1.

¹⁸⁴ *without* . . . , only in 1.

¹⁸⁵ instead of *we shall* . . . , only in 2.

¹⁸⁶ *without naming of any man.* 1.

¹⁸⁷ *against him*, only in 1.

¹⁸⁸ *Nay* . . . , only in 1.

¹⁸⁹ *meane*, 1.

¹⁹⁰ *if any* . . . , only in 1.

¹⁹¹ Only the name in 2.

¹⁹² *This now.* 2.

¹⁹³ *of great moment.* 2.

¹⁹⁴ *now*, only in 2.

¹⁹⁵ *again*, only in 1.

¹⁹⁶ *the Servant of the House.* 1.

¹⁹⁷ *the question.* 1.

¹⁹⁸ *the House.* 1.

¹⁹⁹ *must*, only in 1.

²⁰⁰ *to us*, only in 2.

²⁰¹ *from* . . . , only in 1.

²⁰² *and that the House cannot put any thing to the question, but what and when you please.* 1.

²⁰³ *voted or resolved here but by your direction.* 1.

^p Cf. Nicholas (p. 171); Grosvenor (p. 243).

called together by his Majesties great Seale; and he sitting in his throne giving us leave to chuse a Speaker, you were presented by us to the King, and you by him returned back to us;²⁰⁴ then wee begg of him our privileges, freedome of persons and goods,²⁰⁵ and libertie of speach: all which (though it be meere matter of forme) he graunteth us: If then we have free libertie of speach, and you are our Speaker, and it be your duetye to put what we shall debate and resolve to the question (notwithstanding any private command contrary to what his Majestie hath publikely graunted us); what have you done in refusing to doe this, but indeede refused²⁰⁶ to be our Speaker: And it is agreeable to the liberties and orders of the House, that in this case, or in others (as if our Speaker should be sicke, or the like, as sometimes it hath happened) we should make choice of a new Speaker.^{207a} But for the present, all I shall move shallbe, that since you have refused to put the reading of this paper to the question, the Clarke may be commanded to read it.^{208r}

Here SIR JOHN ELIOT sayd the paper could not now be readd, for he had burnt it.^{209s}

SIR DUD[LEY] DIGGES moved that the House would adjourne it selfe, to end all further dispute of that point for the present.²¹⁰ But for that honorable person that hath been named in this House, notwithstanding what hath bene sayd of him here,²¹¹ I shall²¹² hold him cleare, till somewhat be proved against him. Whereupon some Hissed.²¹³

SIR ROB[ERT] PHILIPPS. I thinke it will be the best course for that noble person (since he hath bene here named)²¹⁴ to desire that his actions may be sifted here, and that so he may be cleared in Parliament, which, I doubt not, but may turne to his greater honor.⁴

MR. HOLLIS. I think that Gentleman (Sir John Eliot) hath done very ill to burne that paper: But I am of opinion, that it should not be left

²⁰⁴ slight differences in phrasing in 1.

²⁰⁵ *our privileges* . . . , only in 1.

²⁰⁶ Instead of *If then* . . . , in 2 is given *If now upon a particular commaund you refuse to putt the Question which you are required what doe you but refuse.*

²⁰⁷ *And it is* . . . , only in 1.

²⁰⁸ Instead of, *But for* . . . , in 2 is given, and concluded that the Clerke mought read it.

²⁰⁹ phrasing briefer in 2.

²¹⁰ *spake to adjourne.* 2.

²¹¹ *that hath* . . . , only in 1.

²¹² (*saith he*), added afterwards in 1.

²¹³ *Whereupon* . . . , only in 2.

²¹⁴ (*since* . . . , only in 1, and added afterwards.

^a Elsyng, in *The Manner of Holding Parliaments in England*, p. 254-58, tells "In what cases a new speaker hath been chosen." No case given was like the present one.

^r "have Sir Jo[h]n Elliott to the Chayre and put the question." Nicholas (p. 171).

^s Cf. Nicholas (p. 171). Following Eliot's speech Nicholas notes: "The Serjant of the house is sent for by the King."

⁴ Cf. Grosvenor (p. 243).

to the liberty of any merchant to pay Tonnage and Poundage without gift of Parliament; but if any of them shall pay it, and thereby give away our liberties, I would have them declared to be enemyes to their Countrey.^{215u}

To this SIR JOHN ELIOT answered, That he gave that Gentleman great thanks for reproving of him for the burning of that paper; and that of all the obligations that had passed betwixt them, he held this for the greatest.

Here notice was given to the House, that his Majestie had sent for the Sergeant: and SIR THO[MAS] JERMYN sayd, The messenger that was sent by his Majestie standeth at the doore, not without some wonder, why the Sergeant was not sent away,^v Sir Miles Hubbert having the key of the doore in his custodie.²¹⁶

MR. WANSFORD. Mr. Speaker, if it be free for any man here to lay aspersions upon any great person, I know not, why it should not be as lawfull to speake any thing freely in excuse of him, untill that which he is charged with, be proved against him: which I conceive at this time cannot be done; and therefore for the present I thinke it best to adjourne.²¹⁷

SIR PETER HAYMAN. Mr. Speaker,²¹⁸ I am sorry that you must be²¹⁹ made an instrument to cut up the liberties of the Subject by the rootes: I am sorry you are²²⁰ a Kentishman, and of that name, which hath borne some²²¹ good reputacion in our Countrey:²²² The Speaker of the House of Comons²²³ is our mouth, and if our mouth will be sullen, and not speake, when wee would have it, it should be bitten by the teeth,²²⁴ and ought to be made an example: and for my part, I thinke it not fitt you should escape without some marke of punishment to be set upon you by the House.^{225w}

MR. HOLLIS. Since that paper is burnt, I conceive,²²⁶ I cannot doe my King and Country better service, then to deliver to this House²²⁷ what was

²¹⁵ *Mr. Hollis* . . . , much briefer in 2.

²¹⁶ *To this Sir John Eliot* . . . , only in 1.

²¹⁷ *For Adjournment*, all that is given in 2.

²¹⁸ *Mr.* . . . , only in 1.

²¹⁹ *the speaker is.* 2.

²²⁰ *he is.* 2.

²²¹ *some*, only in 1.

²²² *repute in that Country*, 2.

²²³ *Hee.* 2.

²²⁴ *when we* . . . , only in 1.

²²⁵ Instead of, and for . . . , in 2 is given, and mooved that wee should not depart out of the house till we had given him some marke of punishment.

²²⁶ *Since* . . . , only in 1.

²²⁷ *to this House*, only in 1.

^u Cf. Nicholas (p. 171).

^v The messenger had been waiting all the time that the last four men were speaking. See above (p. 265, note s).

^w Cf. True Relation (p. 105). Following Hayman's speech both Grosvenor (p. 243), and Nicholas (p. 172), state that Mr. Maxwell was sent by the King to the Speaker but was not admitted.

contained in it,²²⁸ and so though with some opposition,² readd the heads out of a paper written by him self; which were as followeth:²²⁹

1. Whosoever shall goe about to innovate²³⁰ any thing in²³¹ Religion,²³² to bring in either Popery or Arminianisme, or any new doctrine²³³ contrary to that which hath generally bene taught and received by the unanimous consent of the Divines of our Church,²³⁴ let him be accounted²³⁵ a capitall enemye of the King and Kingdome.

2. Whosoever shall Counsell the taking of Tonnage and Poundage without Act of Parliament let him be accounted a capitall enemye to the King and Kingdome.

3. What merchant soever shall²³⁶ pay Tonnage and Poundage without Act²³⁷ of Parliament, let him²³⁸ be accounted a betrayer of the libertie of the Subject, and a capitall enemye both to King and Kingdome.²³⁹

About this time notice was given to the House, that Mr. Maxwell was at the doore with a message from his Majestie. But he being still kept out, SIR NATH[ANIEL] RICHE sayd, If Mr. Maxwell have a message from his Majestie, it is either to the Speaker alone, or to the House; if to the Speaker alone, let us adjourne, and then he may speake with him; but if it be to the House, we must heare him.

So after some confused noyse and stirre in the House for a while, SIR JOHN ELIOT^a moved that the House might for the present adjourne it selfe; and so by the mouth of the Speaker it did adjourne it selfe till to morrow sevenight.^{aa}

²²⁸ was in that paper which was burnt. 2.

²²⁹ Instead of, and so . . . , in 1 is given which (as I remember) was thus much in effect. Then he readd out of a paper, as foloweth.

²³⁰ by innovating. 1.

²³¹ our, added in 1.

²³² and, added in 2.

²³³ or shall hold any opinions. 2.

²³⁴ contrary to the received doctrine of the Church. 2.

²³⁵ held. 1.

²³⁶ presume to, only in 1, and added afterwards.

²³⁷ gift. 1.

²³⁸ also, added in 1.

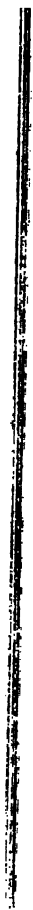
²³⁹ The second MS ends here.

^a Cf. True Relation (p. 105). The opinion of the House must have been very evident though no formal vote could have been taken.

⁷ Cf. True Relation (p. 101-2). According to True Relation the heads were not only read but "allowed with a loud Yea!"

^a Sir Francis Seymour, Nicholas (p. 172); Grosvenor (p. 244).

^{aa} "The House rose up after they had sitten down two hours." True Relation (p. 105).



APPENDIX



COPIES OF SEPARATES FOR 1629¹

The King's Message, January 23.

Petyt MSS no. 538, vol. 18.

The King's Speech, January 24.

*St. P. Dom. Charles I, 1628-29; vol. 133, no. 1; no. 2; no. 3.

*Cambridge, Gg IV-13, f. 96.

Add. MSS 22959, ff. 57-58 (Diary of John Rouse).

Petyt MSS no. 538, vol. 18; vol. 9.

Mr. Rouse's Speech, January 26.

*Harl. 161, f. 157.

*Harl. 3787, f. 140.

*Sloane 2531.

*Sloane 4155, f. 179.

Sloane 4155, f. 181.

*Sloane 826.

*Stowe 361.

*Stowe 156, f. 216 *verso*.

*Cambridge, Gg IV-13, ff. 101-2.

*Pamphlet printed for W. H., London, 1641.

St. P. Dom. Charles I, 1628-29, vol. 133, no. 13; no. 14; no. 15.

Petyt MSS no. 538, vol. 9, f. 68; vol. 18, f. 441.

Add. MSS 22959, ff. 58-61.

Tanner 72, f. 305.

Ashmolean 830, f. 196.

Mr. Kirton's Speech, January 26.

*Stowe 361, f. 56.

*Sloane 826, f. 140.

*Harl. 2217, f. 85.

Petyt MSS no. 538, vol. 9.

Sir Robert Phelps's Speech, January 26.

Petyt MSS no. 538, vol. 9, f. 70.

The Petition for a Fast.

*Cambridge, Gg IV-13, ff. 97-98.

Petyt MSS no. 537, vol. 25, f. 386; no. 583, vol. 9, f. 68.

Mr. Pym's Propositions, January 27.

*Sloane 826, ff. 139-40.

Sloane 4155, f. 174; f. 176.

*Harl. 2217, ff. 85 *verso*-86.

Resolutions of the House of Commons, January 29.

Harl. 161, f. 174.

*St. P. Dom. Charles I, 1628-29, vol. 133, no. 15.

St. P. Dom. Charles I, 1628-29, vol. 133, no. 27.

¹Only those marked with an asterisk have been collated.

Sir John Eliot's Speech, January 29.

- *Stowe 361, ff. 57-58.
- *R. O., Roman Transcripts.
- *Thomason Collection, E 198.
- Petyt MSS no. 538, vol. 9.

The King's Answer to the Petition for a Fast.

- *Cambridge, Gg IV-13, f. 98.
- Petyt MSS no. 537, vol. 25, f. 387; no. 538, vol. 9, f. 68.

The Declaration of the House of Commons, February 2.

- *Harl. 2217, f. 83.
- *Cambridge, Gg IV-13, f. 98.
- Petyt MSS no. 538, vol. 9; vol. 18 (2 copies).
- *St. P. Dom. Charles I, 1628-29, vol. 133, no. 38.

The King's Answer to the Declaration.

- Harl. 2217, f. 84.
- *Cambridge, Gg IV-13, f. 99.
- Petyt MSS no. 538, vol. 9; vol. 18 (2 copies).

Sir Richard Grosvenor's Report, February 13.

- Ashmolean 830, f. 198.

Articles . . . concerning Religion.

- Lans. 491, ff. 29-31.

Eliot's and Selden's Speeches, March 2.

- *Stowe 156, f. 218.
- Tanner 72, f. 328.
- *Sloane 2531, f. 122.
- *Add. MSS 33468, ff. 20-21.
- Petyt MSS no. 537, vol. 25, f. 387.

The Protestations, March 2.

- *Sloane 1199, f. 83 *verso*.
- Petyt MSS no. 538, vol. 18, f. 154.

The Agitation.

- *Tanner 72, ff. 329-30.



COPIES OF THE TRUE RELATION FOR 1629

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MSS English History, d 89.

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Record Office, London

St. P. Dom. Charles I, 1629, vol. 132, no. 45; no. 46.

St. P. Dom. Charles I, Addenda, vol. 530, no. 10 (fragment).

Inner Temple, London. Petyt MSS.

No. 537, vols. 27; 29; 37.

No. 538, vols. 9, 18 (fragment, *A Continuation*).

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Private MSS belonging to

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Mr. Gurney

Lord Downshire

PRINTED

Diurnall Occurrences, London, 1641.

Ephemeris Parliamentaria, London, 1654.

Sir Thomas Crew's Collection of the Proceedings of the Parliament in 1628.

London, 1707.

CLASSIFICATION OF THE COPIES OF THE TRUE RELATION¹

X group

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5. Harl. 6056
6. Harl. 4702
7. Add. MSS 36826
8. Add. MSS 30926
9. Rawl. 109
10. Cambridge, Dd II-39

¹ In footnotes, outlines, and introduction, reference to the copies of the True Relation has been made by the group letter followed by the number of the individual copy. To this rule two exceptions have been made; where the reference has been to the whole group the letter alone has been used, where the reference has been to more than two copies which are within the same group and which have consecutive numbers only the first and last numbers connected by a hyphen have been given.

11. Hargrave 299
12. St. P. Dom. Charles I, Addenda, vol. 530, no. 10
13. MS belonging to Lord Downshire.

Φ group

1. Ephemeris Parliamentaria
2. Harl. 4264
3. Harl. 6255
4. St. P. Dom. Charles I, 1629, vol. 132, no. 45
5. St. P. Dom. Charles I, 1629, vol. 132, no. 46
6. MSS English History, d 89

TABLE SHOWING EXTENT TO WHICH COPIES OF THE TRUE
RELATION HAVE BEEN COLLATED

Not collated at all

Three MSS belonging to Mrs. Trollope.

Collated only for classification

X12; F13.

Collated only for order and omissions

X6-8,13,14; Ψ4,12; F12; Φ6.

Collated completely except for certain long speeches, etc; given below.
All other copies.

Collated for the following long speeches, etc.

The King's Speech, Jan. 24. X1,2,15; Ψ1; F1,11.

Mr. Rouse's Speech, Jan. 26. X1-3,5,10,11,15; Ψ1,3,10,11; F1,2,7,9,11.

Mr. Kirton's Speech, Jan. 26. X1-3,5,10,11,15; Ψ1-3, 5-11; F1,2,7,9,11.

Petition for a Fast. X1,2,11,15; Ψ1; F1.

Sir Walter Erle, Jan. 27. X1-3,5-11,15; Ψ1; F1-9,11.

Mr. Pym's Propositions, Jan. 27. X1-3,5-9,11,15; Ψ1,3,10; F1,2,7,9,11.

Resolutions, Jan. 29. X1-3,9,11,15; Ψ1,3; F1,7,11; Φ1,3-5.

Sir John Eliot's Speech, Jan. 29. X1-3,5,10,11,15; Ψ1,2,7,11; F1,7,9,11.

The King's Answer to the Petition for a Fast. X1,2,11,15; Ψ1; F1.

The Declaration, Feb. 2. X1,2,15; Ψ1; F1.

The King's Answer to the Declaration. X1,2,15; Ψ1; F1.

Sir Richard Grosvenor's Report, Feb. 13. X1-3,5,11,15; Ψ1; F1,2,7,11.

Whereas the Honourable . . . George Vernon, Feb. 14. X1,2,11,15; Ψ1; F1.

Articles . . . concerning Religion. X1,9; Ψ1,3.

OUTLINE SHOWING VARIATIONS IN ORDER AND OMISSIONS
IN THE COPIES OF THE TRUE RELATION

TUESDAY THE 20TH OF JANUARY

No variation.

WEDNESDAY THE 21ST OF JANUARY

Omitted from ¶6.

It was ordered . . . Petition of Right . . . Parliament.

Given here only in X1,9,10,13; Ψ.

Given at end of Jan. 28, in Φ2,6.

And it was also ordered . . . Mr. Selden . . . accordingly.

MR. SELDEN made report . . . Majesties command.

Given in all but Ψ5,10,11.

MR. PYM . . .

SIR JOHN ELIOT . . .

MR. SELDEN . . .

Norton, the Kings printer . . .

SIR JOHN ELIOT . . .

Whereupon he was called . . . was a warrant.

Omitted from X14.

THURSDAY THE 22ND OF JANUARY

Omitted from X14.

One Mr. Rolles, a merchant . . . he would pay.

SIR ROBERT PHELIPS. By this information . . . proceedings.

Here Mr. Littleton made a short speech . . . omit it.

Given only in X1,10,13; Γ1,2,8,10; Φ.

SECRETARY COKE desired . . . be used.

Given here only in X15; Ψ5,6,10.

Omitted from X2,4,6,8; Γ8,9.

Given after *Littleton* in all others.

MR. LITTLETON . . .

SIR JOHN ELIOT . . .

It was ordered . . . Customs House . . . sent for.

Given in all but Ψ5,12.

MR. SELDEN reported . . . *copies be printed*.

FRIDAY THE 23RD OF JANUARY

Given just before *It was ordered* . . . *Customs House* . . . *sent for*, in Ψ1.

Given just before *Mr. Selden reported* . . . *copies be printed*, in X1-8.

His Majesty sent . . . take notice.

As in text in X1-10,13,14; Ψ; Γ2.

As in note in X11,15; Γ1,3-12; Φ.

Upon which the House arose for the day.

Given only in X1-10,13; Γ2.

SATURDAY THE 24TH OF JANUARY

Given just before *Mr. Waller did inform . . . munition thither*, in Ψ2,6.
 Both Houses being met . . . in manner following:
 Given only in X1-10,13,14.
 My Lords . . . The care . . . Amen.
 Given in all but X14; Φ.

MONDAY THE 26TH OF JANUARY

Omitted from Ψ12; Φ2,6.
 MR. WALLER did inform . . . munition thither.
 It was ordered . . .
 MR. SECRETARY COKE . . .
 MR. ROUSE . . . let every one say *Amen*.
 Given in all but Φ.
 As in note in X14.
 SIR FRANCIS SEYMOUR. If Religion . . . undone above.
 MR. KIRTON . . . This business . . . best herein.
 As in text in X1-10,13; Ψ; Γ.
 As in note in X11,14,15; Φ.
 Given just after *Mr. Rouse . . . Amen*, in Ψ.
 As in text given on Feb. 11, following *Mr. Kirton. I desire . . .*, in X11.
 MR. SHERLAND. We have . . . degree and quality.
 Given just before *Mr. Kirton . . . herein*, in Ψ1.
 Given just before *Mr. Rouse . . . Amen*, in Ψ12.
 SIR ROBERT PHELIPS. I take myself . . . counsels.
 Given only in Ψ1-6,12.

TUESDAY THE 27TH OF JANUARY

Given just before *Sir Nathaniel Rich tendered . . . followeth*, in X1-8.
 Omitted from X14.
 A Petition . . . Lewis . . . for.
 Omitted from X8.
 SIR NATHANIEL RICH tendered . . . Fast . . . as followeth:
 Most Gracious Sovereign, It is . . . friends and allies.
 Given in all but X14; Ψ2,3; Φ1,3-5.
 Given after *It was ordered . . . conference . . . accordingly*, in Ψ1,12.
 Given on Jan. 28, in Φ2,6.
 Given on Jan. 30, (preceding the King's Answer) in Ψ2,3; Γ.
 Given here but dated Jan. 28, in Ψ6,11.
 It was ordered . . . conference . . . accordingly.
 Given in all but X11,15; Ψ11.
 The King sent a message . . . effect he expected.
 But before this message . . . Committee . . . further.
 Given just before *The King sent . . . expected*, in Ψ1,4,12.
 Given both before and after *The King sent . . . expected*, in Ψ6.
 Given just after *A Petition . . . Lewis . . . for*, in Ψ5.

SIR WALTER ERLE made a speech . . . the precedence.

As in text in X1-11,13,15; Ψ1.

As in note in all others.

MR. CORYTON. Let us not . . . debate thereof.

Given just after *Rouse* on the 26th in X15.

MR. PYM. The hindrances . . . whole Kingdom.

Given in all but Φ1,3-5.

Given on Jan. 26 just before *Seymour*, but with the heading *Mr. Pym's speech*
27 January 1628, in Ψ1,12.

Given at the beginning of February 2, in Ψ4.

Given on Feb. 3, in Ψ2,3,5.

As in note in X14.

It was . . . precedence . . . whole House.

Given only in X1-13,15; Ψ6; Γ5,6; Φ.

Given just before *Mr. Pym. The . . . Kingdom*, in Φ2,6.

WEDNESDAY THE 28TH OF JANUARY

Given just before *Sir Nathaniel Rich tendered . . . followeth*, in Ψ5.

Given just before *Most Gracious Sovereign. It is . . . friends and allies*, in
Ψ6,10,11.

Given just before *It was ordered . . . conference . . . accordingly* in Ψ3.

Given just before *Sir Thomas Edmonds . . . Parliament*, in Ψ8,9.

Date omitted from Ψ1,12.

SECRETARY COKE delivered . . . put it off.

As in note in X1,3-8.

Omitted from Ψ8-11.

As in text in all others.

MR. LONG. I cannot . . . diffident of us.

Given in all but Ψ8-11.

SIR THOMAS EDMONDES. I am . . . from Parliament.

Given in all but Ψ10,11.

MR. CORYTON. When men . . . to his Majesty.

Given in all but Ψ10,11.

SIR JOHN ELIOT spake to the same effect.

Given only in X1-5,7-13; Ψ1,6-9,12; Φ.

It was ordered . . . belongs not to us.

Given in all but Ψ3,10,11; Γ2-4.

THURSDAY THE 29TH OF JANUARY

Given just before *The King sent a message . . . effect he expected*, in Ψ6-11.

Given here also in Ψ6-9.

The former part of the day . . . a stay of them.

Given in all but Ψ10,11.

In the afternoon . . . Religion as followeth:

Given in all but Ψ10,11.

That we the Commons . . . differ from us.

Given in all but Ψ10,11; Φ1,3-5.

The House received . . . in due time.

Given in all but Ψ8-11; Φ2.

Given just before *In the afternoon* . . . followeth, in Ψ1,12.

SIR JOHN ELIOTS SPEECH 29TH JANUARY

Given on Jan. 26,

following *Mr. Rouse* . . . *Amen*, in X11,15.

following *Mr. Sherland* . . . *quality*, in X1-10,13.

Given on Jan. 27, in place of *Mr. Pym* . . . *Kingdom*, in Ψ1,12.

Follows *Mr. Pym* . . . *Kingdom*, in Ψ2-4,6-11. See that speech for the variations in placing of this.

Given on Jan. 28, in place of *Sir John Eliot spake to the same effect*, in Γ1,5-12.

Omitted from X14; Ψ5; Γ2-4; Φ.

FRIDAY THE 30TH OF JANUARY

Given just before *The House received* . . . *in due time*, in Φ1.

Omitted from X15; Γ9.

Upon this day a Committee . . . answered as followeth:

Given in all but X11; Ψ1,12.

The Kings Answer . . . to both Houses.

Given here but dated Jan. 31, in X4,6,7.

Follows *Most Gracious Sovereign* . . . *allies*, in X11,15; Ψ1,12; Φ2,6.

Omitted from X14; Φ1,3-5.

MONDAY THE 2ND OF FEBRUARY

Given just before *Secretary Coke reported* . . . *fleet to sea*, in X15; Ψ5.

Given just after *Secretary Coke. I said* . . . *accommodate it*, in Ψ4.

Omitted from X11,14; Ψ1-3,12; Γ1,2,5,6,9-11,13; Φ2.

The lower House presented . . . which Declaration followeth:

Given in all but X11,14; Ψ1-5,12; Γ; Φ2,6.

Most Gracious Sovereign . . . all possible satisfaction.

Given at end of Jan. 28, in X11,15.

Given on Jan. 30, in Φ6.

Omitted from X14; Φ1,3-5.

TUESDAY THE 3RD OF FEBRUARY

Given before *Most Gracious Sovereign* . . . *satisfaction*, in Ψ2,5.

Given before *Mr. Kirton. The two great bishops* . . . *preferred*, in X11,14; Ψ1,3,6-12.

Given just before *The Remonstrance* . . . *of his book*, in X15.

Omitted from Ψ4.

SECRETARY COKE reported . . . fleet to sea.

After this apology . . . House as followeth:

Gentlemen, Your Declaration . . . shall find cause.

Given on Jan. 30, following *Upon this day* . . . followeth, in Φ2,6.

Given here but dated Feb. 2, in X13.

Given just after *Most Gracious Sovereign* . . . *satisfaction*, in Γ, but dated the 3rd of February in all but Γ5,6,11.

Omitted from X14; Φ.

SIR JOHN ELIOT. Mr. Speaker . . . in this House.

Given in all but ¶1,3,12.

MR. SPEAKER. This honourable person . . . consideration.

Given in all but ¶1,3,12.

SECRETARY COKE. I said . . . accommodate it.

Given in all but ¶1,3,12.

SIR HUMPHREY MAY. If you be . . . daily command.

At the Committee for Religion

Given only in X; Φ.

SIR JOHN ELIOT. For the way . . . seek for proof.

Given only in X; Φ.

The Remonstrance . . . of his book.

Given only in X1-8,10-15; Φ1-5.

MR. KIRTON. The two great bishops . . . preferred.

Beginning with this speech the rest of this day omitted from Φ.

MR. CORYTON. The Declaration . . . of all good men.

Omitted from X1.

Given before *Mr. Kirton. The two great bishops . . . preferred*, in ¶2.

No variations for the remainder of this day.

WEDNESDAY THE 4TH OF FEBRUARY

Group Φ

No variation for this day.

Groups X, Ψ, Γ

Date given just before *The Remonstrance . . . of his book* in X4,6-8.

Given just before *Mr. Kirton. The . . . bishops . . . preferred*, in X1,3,5,9, 10,13; Γ.

A petition was preferred against Cosin.

Given in all but ¶5,11.

MR. SHERLAND made report

. . . Dr. Sibthorpe.

SIR ROBERT PHELIPS. If ever . .

. . Majesty.

It was ordered . . . done accordingly.

SIR ROBERT PHELIPS made report

. . . Manwaring.

Given after *Secretary Coke brought . . . March next*, in ¶5.

THURSDAY THE 5TH OF FEBRUARY

Group Φ

No variation for this day.

Groups X, Ψ, Γ

Date given just before *Sir Robert . . . Manwaring* in ¶4,6.

Secretary Coke brought . . .

March next

FRIDAY THE 6TH OF FEBRUARY

Group Φ

No variation for this day.

Groups X, Ψ , Γ

Date given just before *Report was made*
 . . . as followeth in X1,2,4-8.

Given just before *Sir Robert Phelps*
 . . . baggage-fellow in X3.

One Witherington was petitioned .
 . . be sent for.

The House being informed . . .
 Attorney about it.

Given in all but Ψ 4.

Given on Feb. 4, preceding

Mr. Sherland made report . . . Dr.
Sibthorpe in Ψ 6.

Sir Robert Phelps. If ever . . .
Majesty in Ψ 5.

Report was made . . . as followeth:
 SIR ROBERT PHELIPS . . . bag-
 gage-fellow.

SIR JOHN ELIOT . . .

It was ordered . . . be sent for.

Given in all but Ψ 10.

It . . . Mr. Attorney . . . him.
 Given in all but Ψ 10.

SATURDAY THE 7TH OF FEBRUARY

Group Φ Groups X, Ψ , Γ

No variations for this day.

A bill against . . . judicature.

MR. KIRTON moved . . . Tonnage
 and Poundage.

Given just before *A bill . . . judicature*
 in Φ 3,5.

No variations for the rest of the day.

MONDAY THE 9TH OF FEBRUARY

A petition was preferred . . . to a committee.

Given in all but X8.

Mr. Speaker delivered . . . in Cosins business.

Given in all but X15; Ψ 2,4,5,12; Γ 9.

Given just before *Jones the printer . . . bishopric* in Γ 7.

SIR JOHN ELIOT . . .

MR. GOODWIN . . .

MR. WALLER seconded . . . to morrow morning.

Jones, the printer . . . concerning the bishopric.

SIR HENRY MARTEN . . .

Dr. Steward . . .

SIR HENRY MARTEN. I will endeavor . . . *innitandum est*.

As in text in X1,13.

As in note in all but X1. X13 combines the two.

X6 omits all following *Mr. Waller seconded . . . morning*.

TUESDAY THE 10TH OF FEBRUARY

A bill was preferred . . . Summer Islands.

Given in all but X8.

Another bill was . . . ministers and magistrates.

Given in all but X8.

MR. ROLLES complaineth . . . a mistake.

The subpeona was read . . . be read.

Given in all but X6.

SIR ROBERT PHELIPS . . .

SIR HUMPHREY MAY . . .

MR. SELDEN . . .

It was ordered . . . to the House.

A Committee of six . . . to attend this House.

A general order . . . think meet.

Given in all but X6,11,15; ¶1; F1,8,10,

The privilege of the merchants . . . the Star Chamber.

Given in all but ¶1.

Sheriff Acton . . . of this House.

Given in all but ¶1.

MR. LONG moved . . . to the Tower.

Given in all but ¶1; F7 (which gives SEYMOUR's speech as LONG's.)

SIR FRANCIS SEYMOUR. That . . . further punishment.

Given in all but ¶1.

MR. SELDEN . . .

MR. KIRTON. I came . . . to the Tower.

Given in all but X3.

MR. LITTLETON . . .

The Sheriff is again . . . to the Tower.

SIR BENJAMIN RUDYARD. There be . . . which is ordered.

Given in all but X2-8.

Given on Feb. 11, just before *Mr. Sherland reported . . . was any warrant in*
¶1,4,5,12.

It was ordered . . . upon Friday next.

WEDNESDAY THE 11TH OF FEBRUARY

Given in all but ¶11.

MR. SELDEN . . .

The copy of the bill . . . to-morrow morning.

MR. SELDEN moved . . . which was also ordered.

Given in al but ¶5.

It was ordered . . . of the House.

It was also ordered . . . for Sir Edward Coke.

At the Committee for Religion

Given in all but X15; Ψ2,4.

MR. WALLER delivered a petition . . . and his chaplains.

One of the printers said . . . get it licensed.

MR. SELDEN . . .

This is referred . . .

MR. SHERLAND reported . . . was any warrant.

MR. CROMWELL . . .

SIR ROBERT PHELIPS . . .

MR. KIRTON . . .

SIR MILES FLEETWOOD . . .

SIR WALTER ERLE . . . with Montague.

Given in all but X1-8.

It was ordered . . . the remedy.

THURSDAY THE 12TH OF FEBRUARY

The Sheriff of London . . . in the Tower.

SIR JOHN ELIOT made the report . . . of the Exchequer.

Combined with *Sir John Eliot. The merchants . . . by their goods* and given on Feb. 11, just before *It was ordered . . . the remedy* in Ψ1,12, and given just before *Mr. Wansford . . . to go in*, in Ψ5,6.

At a great Committee for Tonnage . . . in the Chair.

Given in all but Ψ5,10.

MR. WALLER delivered . . . to be undone.

Given in all but Ψ5.

SIR JOHN ELIOT. The merchants . . . by their goods.

MR. WANESFORD . . . to go in.

MR. CORYTON . . .

MR. STRODE . . .

SIR HUMPHREY MAY. I shall speak . . . speak here again.

SIR THOMAS EDMONDES. There is none . . . settle the Tonnage.

Given just before *Sir Humphrey May. I shall . . . here again* in X1-10,13,15.

MR. CORYTON . . .

MR. WALLER. It is not . . . threatened in this.

Given in all but X8.

SIR ROBERT PHELIPS. I think . . . these interruptions.

MR. NOY . . .

MR. SELDEN . . .

MR. LITTLETON. For the point . . . without petition.

Given in all but X11,15.

It was ordered . . . in this business.

Given on Feb. 13, just before *Sir John Eliot made a motion . . . of the merchants* in F7.

FRIDAY THE 13TH OF FEBRUARY

A petition was preferred . . .
 It was ordered . . .
 SIR JOHN ELIOT made a motion . . . of the merchants
 It was ordered . . .
 A committee was also appointed . . . cause depending here.
 Given in all but X6.
 In the mean time . . . against the merchants.
 SIR HUMPHREY MAY . . .
 It was ordered . . .
 Dr. Moore, concerning . . .
 Dr. Moore is to deliver . . .
 At the Committee for Religion Mr. Pym in the Chair
 Given in all but #2,6.
 SIR WILLIAM BULSTRODE . . .
 MR. CORYTON . . .
 SIR RICHARD GROSVENOR reports . . . hath been therein.
 As in text in X9,11; #1-3,7-9,11,12; F1,3-12; #.
 Mr. Pym. In this . . . notice thereof.
 Given in all but F3,4; #.
 Given just before *At the Committee for Religion . . . Chair in #12.*
 Given on Feb. 14, just before *Sir Humphrey May delivereth . . . Commons, as followeth, in F8.*
 SIR ROBERT PHELIPS. If ever . . . be past recovery.
 MR. CORYTON . . .
 MR. SELDEN . . .
 SECRETARY COKE . . .
 It was ordered . . . against Recusants.
 Mr. Long . . .
 It was moved that Secretary Coke . . . business.
 Given only in X1-5,7,8,10.
 SECRETARY COKE saith . . . from his Majesty.
 Given in all but X6.
 One Cross, a pursuivant . . . against Recusants.
 Ordered that Sir Thomas Hobby . . . after this business.
 Given only in #4-6.
 Given just before *It was ordered . . . against Recusants in #6.*

SATURDAY THE 14TH OF FEBRUARY

Given in all but X8.
 Repeated before *Whereas the Honourable . . . George Vernon in #2.*
 A complaint was made . . .
 It was ordered . . .
 SIR JOHN IPSLEY . . .
 MR. SELDEN . . .

- It was ordered that Sir John Ipsley . . . have leave.
Given in all but X2,6-8,15.
- SIR HUMPHREY MAY stiffly . . . of Mr. Selden.
Given in all but X6.
- MR. SECRETARY COKE. I am as careful . . . Commonwealth.
Given in all but X6; Ψ8.
- It was ordered . . . consider of this.
Given in all but X6,11,13,15; Ψ8,9.
- SIR HUMPHREY MAY delivereth . . . Commons, as followeth:
Given in all but X13.
- Whereas the Honourable . . . George Vernon.
Given in all but X13; Φ.
- MR. KIRTON. We looked . . . Court of Exchequer.
Given in all but X13.
- It was ordered . . . of the Exchequer.
Given in all but X11,13,15.
Given just before *Mr. Kirton. We looked . . . Exchequer*, in X1-10.
- MR. SELDEN. We have delayed . . . ordered accordingly.
Given in all but X13.
- At the Committee for Religion*
- Given in all but X11,13,15; Ψ1,2,7-12.
- SIR THOMAS HOBBY reported . . . they were discharged.
As in text X1-11,15; Ψ.
As in note Γ; Φ.
- SIR NATHANIEL RICH. I am confident . . . Majesties direction.
Given in all but X13; Ψ8,9,11.
Given at the end of Feb. 13, in X1-10,15.
Given just before *Sir Thomas Hobby reported . . . they were discharged* in X11.
Given on the 16th following *Sir John Stanhope* in X15.
- It was moved . . . knowledge in this.
Given in all but X1,3,7,8,13,15; Ψ7-11.
- SECRETARY COKE thereupon made a long . . . to Mr. Long.
As in text in X; Ψ.
As in note in Γ; Φ.
Given just after *Mr. Secretary Coke. I am as careful . . . Commonwealth*
in X13.
- SIR FRANCIS SEYMOUR taxed . . . to Mr. Long.
Given in all but X2,4,6-8; Ψ8-11.
Given in an appendix in X9.
Given on Feb. 16, following. *It was ordered . . . proceeded against* in X11.
Given at end of regular proceedings for Feb. 16th in X15.
- Cross the pursuivant . . . the Council-board.
Given in all but X2,4,6-8; Ψ8-11.
Given in appendix in X9.
Given on Feb. 16, in X11,15.



SIR JOHN ELIOT. In all this . . . of these men.

As in text in X; Ψ.

Given just before *Sir Francis Seymour taxeth* . . . to *Mr. Long* in X1,3,9,10,13;
Ψ1-7,12.

As in note in Γ; Φ.

Mr. Recorder is ordered . . . in the Chair.

SECRETARY COKE saith . . . the condemned priest.

SIR JOHN ELIOT. I doubt . . . him advice therein.

SIR NATHANIEL RICH. The Jesuits . . . and countenancers.

These four paragraphs given in all but Ψ8-11.

Given on Feb. 16, in X11,15.

Mr. Long saith . . . amongst themselves.

Given in all but X11,15; Ψ8-11.

MR. SELDEN saith . . . done in it.

The further examination . . . a select committee.

These two paragraphs given in all but Ψ8-11.

Given on Feb. 16 in X11,15.

MONDAY THE 16TH OF FEBRUARY

Given just before *Sir Francis Seymour made report* . . . last he did in Ψ4.

SIR HENRY MARTEN made report . . . his Majesty immediately.

SIR FRANCIS SEYMOUR made report . . . last he did.

The answer was read . . . as followeth:

I did receive . . . to be bailable.

It was ordered . . . proceeded against.

These five paragraphs given only in X; Ψ.

MR. SELDEN reported that he . . . read but one.

As in text in X1-11,15; Ψ.

As in note in X13; Γ; Φ.

Given just before *It was ordered* . . . *Justice Crook* in Γ; Φ.

Given at end of day in X13.

SIR ROBERT PHELIPS . . . be parties.

Given in all but Ψ11; Γ; Φ.

A petition of complaint . . . own private use.

Given in all but X8; Ψ.

Given on Jan. 27, following *Sir Walter Erle* in X15.

SIR HENRY MARTEN . . . counted a Jew.

Given in all but X8; Ψ.

Given on Jan. 27 in X15.

This was referred . . . Courts of Justice.

Given in all but X8,15; Ψ; Γ7,11.

At the Committee for Religion

Given in all but X15; Ψ; Γ2.

MR. STRODE moved . . . to the contrary.

Given in all but X15; Ψ.

SIR HUMPHREY MAY. This was . . . for his proceedings.

Given in all but X15; Ψ.

These last five paragraphs given on Feb. 20, just after *A petition of complaint*
. . . *Courts of Justice* in X11.

It was ordered . . . and Justice Croke.

Given in all but X11,15; Ψ.

These last six paragraphs given in appendix in X9.

TUESDAY THE 17TH OF FEBRUARY

Given just before *Mr. Selden reported that he . . . read but one* in X11,15; Ψ1-3,5-12.

Given just before *Sir Thomas Hobby reported from . . . in his hand* in Ψ4.

Mr. Chambers preferred . . . James his time.

SIR JOHN ELIOT. You see . . . their own goods.

It was ordered . . . the former Committee.

These three paragraphs given in all but Ψ10,11.

It was ordered . . . a Committee of six . . . in the morning.

Given in all but X11,15; Ψ10.

Given just before *Sir John Stanhope . . . to say mass* in X9.

Given just after *Sir John Stanhope . . . to say mass* in X1-8.

It was ordered that . . . here in vain.

Given in all but X1-8,11,15; Ψ10.

The House sent . . . effect as followeth.

Given only in X1-10; Ψ10.

SIR THOMAS HOBBY reported from . . . in his hand.

MR. WANSFORD reported . . . the persons priests.

Summary of these two reports in reverse order in Ψ10.

SIR THOMAS BARRINGTON delivered . . . there at all.

Given in all but Ψ10.

SIR MILES FLEETWOOD delivered . . . there at all.

Given in all but Ψ8,10; Γ7; Φ1.

Given just before *Sir Thomas Barrington . . . there at all* in X6.

SIR WILLIAM CONSTABLE delivered . . . Justice Croke.

Given in all but Ψ10; Γ2-4.

They were all different . . . to the House.

Given only in X1-10; Ψ10.

SIR THOMAS BARRINGTON saith . . . or no priests.

Given in all but X1-8; Ψ10.

Given just before *They were all different . . . to the House* in X9,10.

SIR NATHANIEL RICH . . . in the Court.

Given in all but Ψ10.

It was ordered . . . Thursday morning.

Given in all but Ψ10; Γ5.

It was further ordered . . . country they be.

Given in all but Ψ10.

It was moved . . . Recusants are there.

Given in all but X11; Ψ10.

SIR JOHN STANHOPE . . . to say mass.

Given in all but Ψ10.

WEDNESDAY THE 18TH OF FEBRUARY

A public Fast . . . by Mr. Fitz-Jeoffery.

THURSDAY THE 19TH OF FEBRUARY

Given in all but ¶12.

Given just before *Sir Thomas Hobby reported from . . . in his hand* in ¶4,5.

Given just before *The House sent . . . effect as followeth* in ¶10.

The customers did appear . . . of the House.

Given only in X1-10,13,15; ¶10.

Mr. Rolles . . . taken away.

Given only in X; ¶10.

Mr. Dawes, a customer, . . . privilege of Parliament.

As in text in X; ¶10.

As in note in ¶1-9,11; F; Φ.

SIR HUMPHREY MAY . . . privileges never held.

SIR PETER HEYMAN . . . the Kings revenue.

These two speeches given here only in X; ¶10.

Given on Feb. 20, just before *Mr. Selden conceiveth . . . delivered the goods*, in ¶1-6,12.

Mr. Dawes was called . . . violated the same.

As in text in X; ¶10.

As in note in ¶1-9,11; F; Φ.

Mr. Carmarthen was called in . . . I could not.

As in text in X; ¶10.

As in note in ¶1-9,11; F; Φ.

These last two paragraphs given on Feb. 20, just before *Mr. Selden conceiveth . . . deliver the goods*, in X11.

SIR JOHN ELIOT. I rise . . . they shall merit.

Given only in X; ¶10.

Given just after *Sir John Eliot. The heart-blood . . . of this House*, in X11.

MR. WANDESFORD moved . . . were easily determined.

Given in all but X11,15; ¶10.

MR. SELDEN. If there . . . to sit here.

Given in all but ¶10.

Given just before *Mr. Wansford moved . . . determined* in X.

SIR NATHANIEL RICH . . . a Parliament man.

Given in all but ¶10.

SIR JOHN ELIOT. The heart-blood . . . of this House.

Given in all but ¶10.

It is resolved . . . of debate.

Given in all but X11; ¶10.

MR. HERBERT in the Chair of this Committee.

Given in all but X5,7,11,15; ¶10.

FRIDAY THE 20TH OF FEBRUARY

Given just before *The customers did appear . . . of the House* in ¶10.

Given just before *Mr. Herbert in the Chair of this Committee* in X1,2,4-6,8,10,13,15; ¶1,2,4-6,8-10,12.

The proceedings for Feb. 20, and 21, omitted from ¶10.

A petition of complaint . . . Courts of Justice.

Given in all but X8.

Sir John Wolstenholme . . . granted the same.

Given just after *The lease made* . . . was also read in X1-10,13,15.

Given on Feb. 19, just before *Mr. Dawes was called* . . . violated the same in X11.

At a Committee . . . about the Customs

Given only in X1-10,13; Ψ3,6.

Whereupon the warrant . . . in *hac verba*.

Carolus Dei . . . Act of Parliament.

These two paragraphs given only in X1-10,13; Ψ1-6,12; Γ6,7.

Given on Feb. 21, just after *Hereupon the Commission* . . . only to levy in Ψ5-7.

The lease made . . . was also read.

Given only in X1-10,13.

MR. SELDEN conceiveth . . . delivered the goods.

Given on Feb. 19, just after *Mr. Carmarthen called in* . . . *I could not* in X11.

It was ordered . . . King or not.

Given in all but X11.

MR. GLANVILE . . . in the goods.

SATURDAY THE 21ST OF FEBRUARY

Given just before *At the Committee about the customers* . . . *Mr. Rolles his goods* in Ψ10.

Given just before *Sir John Wolstenholme* . . . granted the same in X11.

Given just before *Sir Robert Pye saith* . . . two months since in Ψ3.

A petition was preferred . . . Committee for Merchants.

Given in all but X6,9,11,15.

SIR ROBERT PYE saith . . . two months since.

Given in all but X6,9,11,15.

At the Committee for Merchants

Given in all but X1-4,6-10,13,15.

MR. LITTLETON. Before we go . . . purpose were made.

As in text in X1-10,13.

As in note in X11,15; Ψ; Γ; Φ.

SIR ROBERT PHELIPS. Thus you . . . time of privilege.

Omitted from X11.

SIR HUMPHREY MAY. That . . . of his duty.

Omitted from X11,15.

Given in appendix in X9.

SIR FRANCIS SEYMOUR. I desire . . . every project.

MR. GLANVILE. Here is . . . of the Crown.

Omitted from X6,11,15.

SECRETARY COKE . . . now in question.

Omitted from X11,15; Ψ3.

SIR JOHN STRANGEWAYS. I know . . . is easily determined

MR. BANKS . . .

MR. SOLICITOR . . .

MR. SELDEN . . .



SIR NATHANIEL RICH . . .
 Decided by question . . . in his goods.
 Given in all but X1-8; F3,4,11.
 MR. NOY . . .
 SECRETARY COKE . . .
 Whereupon the commission . . . only to levy.
 Given in all but X1.
 SIR HUMPHREY MAY . . .
 SIR NATHANIEL RICH . . .
 SIR HUMPHREY MAY again desireth . . . to the question.
 Given in all but X5.
 MR. KIRTON . . .
 MR. GLANVILLE . . .
 The Privy Counsellors . . .
 The warrants . . .
 MR. KIRTON . . .
 SIR HUMPHREY MAY . . .
 SECRETARY COKE saith as much.
 Given in all but X1,2.
 MR. HACKWILL . . . time of prorogation.
 MR. NOY saith . . . adjudged the privilege.
 MR. HACKWILL saith . . . the same opinion.
 These last three speeches omitted from X1-8; F11.
 It was decided . . . all times since.
 This Committee is adjourned . . . to attend them.
 Given in all but X6.

MONDAY THE 23RD OF FEBRUARY

Given in all but X6; Φ.
 Given just before *Sir Humphrey May*. *I will never . . . restitution made*, in X10.
 Given just before *Secretary Coke reported* . . . *distinctions* in X15.
 The proceedings for this day omitted from Φ.
 At the Committee . . . Mr. Rolles his goods.
 Given only in X1-5,7-10,13,15; X10.
 Given at the beginning of Feb. 20th in X15.
 SIR ROBERT PHELIPS. Let us . . . and sever them.
 Given at the beginning of Feb. 20th in X15.
 MR. LITTLETON. I should . . . to deter others.
 These two speeches given only in X; X10.
 Given after *Sir John Eliot*. *The question . . . to procure satisfaction*, in X11.
 Littleton's speech given at the end of Feb. 19 in X15.
 SIR HUMPHREY MAY. I will never . . . restitution made.
 SIR JOHN ELIOT. The question . . . to procure satisfaction.
 These two speeches follow that of Phelps in X15.
 SECRETARY COKE . . .
 Given on Feb. 21st following that by Selden in X15.

Report was made . . . to the House.

Given in all but X15; ¶5.

SECRETARY COKE reported . . . distinctions.

SIR ROBERT PHELIPS . . .

Hereupon there were . . . whereof followeth.

Given only in X1-5,7,8,10,13.

HEADS AND ARTICLES . . . soundness of opinion.

Given here in X1-5,7,8; F11.

Given after *Hereupon the House* . . . Wednesday following in X9,10.

Given after *Upon Wednesday* . . . morning next following in ¶1,3,12.

Given on Feb. 3, following Pym's speech (Jan. 27) in ¶5.

Given on Feb. 13, in ¶6,7,11.

Dated Feb. 14, in F2.

Hereupon the House . . . Wednesday following.

WEDNESDAY THE 25TH OF FEBRUARY

Upon Wednesday . . . morning next following.

Given in all but X15; ¶12; ¶3,5.

THE PROTESTATIONS . . . 2 MARCH 1628

Given in all but ¶1,8-10,12.

Given at the end of Feb. 23, in X1-8; F11.

Combined with *The Agitation* in X9,10; ¶2,5,6,11.

SIR JOHN ELIOT AND MR. SELDEN, MONDAY 2D MARCH

Given in all but ¶4,5; ¶.

Given at the end of Feb. 23rd in F5,6.

Dated March 1st in ¶8-11.

Combined with *The Agitation* in X1-10; ¶1,2,12; F11.

THE AGITATION . . . 2 OF MARCH 1628

Given only in X1-10; ¶1,2,4-6,8-12; F11.

Independent combinations of the different accounts: (a) X1-8; F11; (b) X9,10;

(c) ¶1,12; (d) ¶2.



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